

**OFFICE OF PROFESSIONAL ACCOUNTABILITY
COMPLAINTS REPORT
September-October-November 2011
OPA Director's Monthly Message**

The Office of Professional Accountability's (OPA) monthly report provides information about Seattle Police Department (SPD) misconduct complaints that are investigated by OPA. This report includes summaries as to cases closed during the months of September, October and November 2011, along with data on the number and classification of complaints filed, with a comparison to 2010. There are charts showing the percentage of cases closed with different types of findings and information about mediation and policy review and training recommendations.

All complaints, classification decisions, and findings are reviewed by OPA's civilian Director and the independent civilian OPA Auditor. The most serious or complex allegations of misconduct, such as those related to use of force, are investigated by OPA. Other complaints, such as allegations of minor rudeness, are referred to a supervisor for handling. Civilian oversight by the OPA Director and Auditor helps ensure that complaints are properly classified and that cases referred for investigation, including those noted in this monthly report, are investigated thoroughly, fairly and objectively, and that the findings reflect the evidence available.

Highlights for OPA Investigations Closed through November 2011

- 12% of cases were Sustained, resulting in discipline.
- 21% of cases resulted in a finding of Supervisory Intervention, with a referral for training or counseling.
- 24% of cases were Unfounded, while another 21% were Exonerated.

Policy and Training Recommendations made in September, October and November 2011

Regardless of the finding made at the conclusion of a misconduct investigation, OPA will make policy or training recommendations when it appears that a broader issue is involved. Interviews in a particular case or a series of complaints might indicate a general misunderstanding about the meaning of a policy or raise questions about training taking place. Working to improve policies and enhance training helps to create organizational reform that prevents future misconduct, and the OPA Director, Auditor and OPA Review Board have all made suggestions towards that end.

Among the policy and training recommendations made in the current monthly report, OPA suggests that SPD should:

- Reissue the policy forbidding officers to engage in secondary employment involving security businesses.
- Require that officers obtain prior written approval before engaging in any secondary employment.
- Remind officers they can only use the criminal justice records system for legitimate law enforcement purposes.
- Publish a written directive and review at roll calls the policy regarding handling of a prisoner's personal property for evidence or safekeeping.

Also, as noted in the last monthly report, the OPA Director has been reviewing use of the digital in-car video system (DICVS) by SPD officers. A number of factors were identified that impact usage including questions about the DICVS policy, technological concerns, and the need for more training and supervision. A report summarizing the findings and recommendations growing out of the review was issued on December 23, 2011 and can be found at: http://www.seattle.gov/police/OPA/Docs/InCar_Video_12_23_2011.pdf

**Office of Professional Accountability (OPA)
Complaints Report
September-October-November 2011**

Cases involving investigations of alleged misconduct of officers and employees in the course of their official public duties are summarized below.

EMPLOYEE CONDUCT: LAWS

Synopsis	Action Taken
<p>Named officer was arrested for DUI in a neighboring jurisdiction and it was alleged that the named officer also had consumed an alcoholic beverage while in a police facility and had been absent from work without authorization.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (DUI) – Sustained 2. Use of Intoxicants in a Department Facility – Sustained 3. Absent from Duty without Authorization – Exonerated <p>The evidence demonstrated that the named officer had consumed an alcoholic beverage in a police facility and was driving while under the influence of intoxicants but was not absent from work without authorization.</p> <p>Corrective Action: (a) five-day suspension without pay; 2 days held in abeyance for two years (future sustained complainant for same or similar conduct will result in imposition of the 2 days held in abeyance and further discipline, up to and including termination from employment), (b) mandatory completion of the Employee Assistance Program for Alcohol Assessment, and (c) successful completion of all imposed penalties from the DUI conviction.</p>
<p>It was alleged that the named employee had misused a disabled parking placard in violation of the terms of its use.</p>	<p>Allegation and Finding: Violation of Law (Misuse of Disabled Parking Placard) – Sustained</p> <p>The evidence demonstrated that the named employee had used her husband's legitimately obtained disabled parking placard for a purpose other than that for which it was intended.</p> <p>Corrective Action: Written reprimand admonishing the named employee to avoid future inappropriate use of the disabled parking placard and to confine its use exclusively for the needs of her husband.</p>
<p>The complainant alleged that the named officer, while off-duty, driving a personal vehicle, in a jurisdiction outside the City of Seattle, operated her vehicle in a reckless manner and attempted to insinuate to officers who had stopped her that another person was operating the vehicle.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Reckless Driving) – Unfounded 2. Dishonesty – Unfounded <p>The evidence demonstrated that the named officer was not operating her vehicle in a reckless manner and was not attempting to mislead the investigating officer about who was operating the vehicle.</p>

EMPLOYEE CONDUCT: LAWS

Synopsis	Action Taken
<p>The complainant, a supervisor in the Department's Vice Unit, alleged that during an arrest of the named officer's brother for suspected sexual abuse of a child, information was obtained that suggested that the named officer may have known of his brother's conduct and failed to report it as required by law.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Failure to Report Child Abuse) – Not Sustained 2. Professionalism/Discretion – Not Sustained <p>The Department's Investigations Bureau discovered this possible misconduct and forwarded its concerns to OPA. The evidence was inconclusive regarding whether the named officer knew of this brother's suspected criminal conduct and failed to report it.</p>
<p>The complainant alleged that the named retired Department officer engaged in fraudulent conduct and mishandled confidential law enforcement information that came into his possession through work at an affiliate of SPD..</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Fraud) – Unfounded 2. Mishandling Confidential Information – Not Sustained <p>The Department's Fraud, Forgery, and Financial Exploitation Unit conducted a criminal investigation of the fraud allegation. While the investigation revealed concerns about less than meticulous accounting practices by the organization, the investigation did not discover evidence of criminal conduct by the named retired officer. Evidence obtained by OPA during the administrative investigation was inconclusive regarding whether the named retired officer inappropriately conveyed confidential law enforcement information to a media organization.</p> <p>The evidence resulted in an OPA recommendation that the Department review its organizational and financial relationships with this affiliate to ensure that expectations, practices, and procedures are clearly understood and acceptable to both organizations and to re-evaluate whether the Department desires to maintain the association with the organization.</p>
<p>The complainant, the estranged spouse of named officer, alleged that the named officer violated the terms of a mutual Temporary Restraining Order (TRO) issued in the course of a pending marriage dissolution proceeding. OPA, during the investigation of this allegation, added allegations for failing to report being the subject of a TRO and accessing the WCIC/NCIC databases without legitimate justification.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Violation of a TRO) – Unfounded 2. Failing to Report being the Subject of a TRO – Exonerated 3. Misusing Access to Criminal Records Systems – Sustained <p>The evidence demonstrated that named officer did not violate the provisions of the TRO and had adequately met the reporting provisions of Department policy. The evidence did demonstrate that the officer violated database access provisions when he ran his own name through the Criminal Records System for personal reasons.</p> <p>Corrective Action: Verbal reprimand.</p> <p>The OPA Director recommended that the Department reissue policy 12.050-Criminal Records, with a reminder that running one's own name through the criminal justice records system is prohibited unless done so for legitimate law enforcement purposes.</p>

EMPLOYEE CONDUCT: LAWS

Synopsis	Action Taken
<p>Named officer was arrested for DUI while off-duty and driving a private vehicle in a jurisdiction outside the City of Seattle. That jurisdiction investigated the matter and named officer pleaded guilty to the crime of Reckless Endangerment. An issue arose regarding whether the officer failed to notify the Department about an arrest warrant that had been issued for him because he had missed a pre-trial hearing.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Reckless Driving) – Sustained 2. Failure to Report/Complainant Process – Exonerated <p>The evidence demonstrated that named officer engaged in criminal conduct constituting the crime of Reckless Endangerment. While he was arrested for DUI, he pleaded guilty to Reckless Endangerment.</p> <p>Regarding the allegation of failing to report the existence of a warrant for his arrest, the evidence demonstrated that the arrest warrant resulted from an administrative oversight.</p> <p>Corrective Action: Five-day suspension without pay, two days held in abeyance; additional alcohol-related misconduct in violation of Department policy will result in the imposition of the two days held in abeyance and further discipline, up to and including termination from employment; mandatory referral to the Employee Assistance Program for alcohol assessment and compliance with any recommended treatment program.</p>
<p>The lieutenant in the Department's Narcotics Section discovered 6 bills of US currency missing from evidence after a unit operation. He conducted his own investigation to determine whether established evidence handling procedures had been followed. A Department investigative unit conducted a criminal investigation regarding the missing bills.</p>	<p>Allegation and Finding: Administrative Violation of Law (Theft) – Administratively Inactivated</p> <p>The criminal investigation did not discover evidence of a crime. The lieutenant in the Narcotics Section verbally counseled two detectives for not following established evidence handling procedure. There are no further leads to follow at this time so the case has been inactivated pending the discovery of any new evidence that would warrant a reactivation of the case.</p>

EMPLOYEE CONDUCT: INTEGRITY

Synopsis	Action Taken
<p>The complainant, the victim of a sexual assault, alleged that the named officer, who responded to investigate the crime, later contacted her both in person and electronically for personal reasons. The complainant also alleged that named officer sounded intoxicated during one phone call.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Integrity/Conflict of Interest – Sustained 2. Alcohol/Substance Abuse – Unfounded <p>The evidence demonstrated that named officer improperly contacted the complainant, both in person and electronically, for reasons not directly related to his professional role but for personal reasons and that these contacts caused the complainant to feel "awkward." The evidence demonstrated that the phone call from named officer to the complainant, during which the complainant suspected that named officer may have been intoxicated, occurred during a time when named officer was not on-duty.</p> <p>Corrective Action: Written reprimand.</p>

EMPLOYEE CONDUCT: INTEGRITY

Synopsis	Action Taken
<p>The complainant, with whom the named officers interacted regularly in addressing complaints from neighbors against her on properties of the Seattle Housing Authority, alleged that the named officers, because they are Seattle Police Officers assigned to work with tenants of SHA properties, had a conflict of interest and retaliated against her by falsely filing criminal charges against her and having her evicted because of previous misconduct complaints she had made against them.</p>	<p>Two named officers Same allegations and findings for each named officer:</p> <ol style="list-style-type: none"> 1. Retaliation – Unfounded 2. Integrity/Conflict of Interest – Unfounded <p>The evidence demonstrated that the named officers properly discharged their duties as Seattle Police Officers assigned to work with Seattle Housing Authority properties and that they acted reasonably and lawfully when investigating matters involving the complainant.</p>
<p>Complainant alleged that the named officer was operating a secondary employment business not allowed by Department policy, i.e., a security business, and engaged in several acts of misconduct associated with the business.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Conflict of Interest – Not Sustained 2. Misuse of Authority – Not Sustained 3. Prohibited Employment – Supervisory Intervention 4. Dishonesty – Unfounded 5. Secondary Employment Permit – Sustained <p>The evidence was inconclusive regarding whether named officer used his official position to promote his business or engaged in practices that constituted a conflict with his primary employment with the Department. The evidence demonstrated that named officer was engaged in secondary employment prohibited by Department policy but that enforcing compliance with the policy by the Department has not been consistent, therefore resulting in a finding of Supervisory Intervention rather than a Sustained finding. The evidence did demonstrate that named officer violated the Department's secondary employment permit policy.</p> <p>Corrective Action: Verbal reprimand regarding policy prohibiting secondary employment in a security business.</p> <p>The OPA Director recommends that the Department review and revise its policy regarding secondary work permits to require that an employee must obtain written approval prior to engaging in secondary employment. A directive should be issued reminding employees about all prohibited secondary employment, including ownership in a private security business. Any current permits covering secondary employment with named officer's security business should be revoked.</p>

EMPLOYEE CONDUCT: HONESTY

Synopsis	Action Taken
<p>It was alleged that named Sergeant engaged in multiple acts of misconduct while assigned as a supervisor in the Department's Traffic Enforcement Section.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Dishonesty – Sustained 2. Insubordination – Sustained 3. Failure to Supervise – Sustained 4. Absence from Work without Authorization – Sustained 5. Abuse of Illness & Injury Time – Sustained 6. Improper Use of Medication/Substances while On-Duty – Sustained <p>The evidence demonstrated that named Sergeant had engaged in multiple and extended acts of misconduct as alleged.</p> <p>Corrective Action: Named Sergeant was demoted and terminated from employment. Named Sergeant resigned before the final discipline from the Chief could be imposed.</p>

EMPLOYEE CONDUCT: COLLECTIVE BARGAINING AGREEMENT

Synopsis	Action Taken
<p>The complainant, the lieutenant supervising the named officer, alleged that the named officer may have been co-mingling his participation in his secondary employment with his on-duty employment.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Collective Bargaining Agreement – Unfounded 2. Employer while On-duty – Unfounded 3. Secondary Employment Compensation – Unfounded <p>The evidence demonstrated that the named officer was not co-mingling his secondary employment with his primary employment with the Department.</p> <p>The Captain and Director of OPA both recommend an audit of the administrative operation of the Undercover School to ensure there is no real or apparent conflict of interest given the interests of those associated with the School.</p>

EMPLOYEE CONDUCT: COMMUNICATION AND CONFIDENTIALITY

Synopsis	Action Taken
<p>The complainant, a commercial media organization, alleged that the named officer "leaked" video footage to a competing media organization.</p>	<p>Allegation and Finding: Communication and Confidentiality – Unfounded</p> <p>The evidence, including the fact that the complainant stated that the complaint was based upon "rumor" and did not want to further participate in the investigation, did not warrant further investigation and did not generate investigative leads warranting further attention.</p>

EMPLOYEE CONDUCT: COMMUNICATION AND CONFIDENTIALITY

Synopsis	Action Taken
<p>It was alleged that named officer accessed Department databases without legitimate justification and disclosed information obtained to an unauthorized person.</p>	<p>Allegation and Finding: Disclosing Confidential Information – Sustained</p> <p>The evidence demonstrated that named officer accessed and posted in his residence photographs that he obtained from Department databases absent a legitimate law enforcement purpose.</p> <p>Corrective Action: Written reprimand.</p>

EMPLOYEE CONDUCT: COMMUNICATION AND CONFIDENTIALITY

Synopsis	Action Taken
<p>The complainant, a Department supervisor, alleged that the named officer violated Department policy regarding who within the Department is authorized to speak to the media about Department policy when the named officer made certain comments during an interview on a public radio show arising from an article that the named officer had authored in a union publication.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Communications/Representation of the Department – Supervisory Intervention 2. Unauthorized Communication to the Media – Supervisory Intervention <p>The evidence demonstrated that the named officer was not authorized to speak on behalf of the Department and that his comments regarding Department policy were beyond the scope of his authority to speak.</p> <p>Corrective Action: Counseling regarding the named officer's authority to speak on behalf of the Department.</p>

EMPLOYEE CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>The named officer was working secondary employment as a security guard at a store when the complainant attempted to use a credit card for a purchase which was denied. The complainant demanded that the named officer take a statement from her to document her assertion that someone must have stolen her credit card information or identity, resulting in the denial of the card. When the named officer declined to take the requested statement, the complainant then alleged that the named officer used derogatory language toward her. OPA-IS, while investigating the complainant, discovered that the named officer may not have possessed a secondary employment permit for the security job that he was working.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Derogatory Language – Unfounded 2. Failure to Take a Report – Exonerated 3. Failure to Possess a Secondary Employment Permit – Sustained <p>The evidence demonstrated that the named officer was correct in not taking a statement from the complainant because there was no evidence that the denial of the complainant's attempted use of the credit card had to do with criminal activity or lost property. The evidence also demonstrated that it was only after the named officer explained that he was not going to take a statement from the complainant that she then accused him of using derogatory language toward her and that the allegation appeared more motivated by a desire to retaliate against the named officer for his refusal to take a report than to seek redress for actual misconduct. The evidence demonstrated that the named officer did not possess a secondary employment permit for the off-duty job that he was working.</p> <p>Corrective Action: Verbal reprimand.</p>

EMPLOYEE CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>The complainant, who had phoned 911 to report a possible hit and run accident, alleged that the named officer, who was dispatched to investigate the accident, was rude to him.</p>	<p>Allegation and Finding: Rudeness – Exonerated</p> <p>The evidence demonstrated that upon arriving at the scene, the named officer saw the complainant standing near the suspect vehicle, with the suspect still at large, and though immediately recognizing that the complainant was not the suspect, was concerned that the complainant was standing in and contaminating the crime scene. The evidence, including in-car video, demonstrated that the named officer quickly asked the complainant two uneventful questions regarding his presence at the scene, then asked him to move out of the crime scene. The evidence, including the in-car video, did not demonstrate that the named officer was rude or used inappropriate language.</p>
<p>Complainants, who arrived home to find an unwanted person inside, alleged that the named officers, who had been dispatched by 911 to investigate the situation, mishandled their investigation of the matter by releasing the suspect to take a bus home and not booking the suspect into jail or committing him to a hospital for a mental health evaluation.</p>	<p>Two named officers. Same allegations and findings for each named officer: Poor Exercise of Discretion – Sustained</p> <p>The evidence demonstrated that the decision of the named officers to not book the suspect into jail or commit him for a mental health evaluation, but to allow him to take a bus home, after having done considerable property damage to the complainant's apartment unit, was less than prudent under the circumstances.</p> <p>Corrective Action: For named officer #1 (a supervisor), a 2-day suspension without pay, 1 day held in abeyance for one year; training and counseling regarding appropriately responding to such incidents; and a letter of apology to the complainants. For named officer #2, training and counseling regarding appropriately responding to such incidents and a letter of apology to the complainants.</p>
<p>The complainant, who frequented the area of a downtown intersection, alleged that the named officers, who walked a beat in the area, were disrespectful to people in the area, calling them derogatory names.</p>	<p>Two named officers Allegations and Findings: Named officer #1: Professionalism-Courtesy – Not Sustained Named officer #2: 1. Professionalism-Courtesy – Not Sustained 2. Profanity – Not Sustained</p> <p>The evidence was inconclusive regarding whether the named officers used inappropriate language toward the complainant or others in the area.</p>
<p>The complainant, with whom the named Parking Enforcement Officer (PEO) was interacting regarding expired license tabs, alleged that the named PEO was rude, used profanity toward him, and refused to identify himself when asked.</p>	<p>Allegations and Findings: 1. Professionalism-Courtesy – Not Sustained 2. Failure to Identify Self – Not Sustained</p> <p>The evidence was inconclusive regarding whether the named PEO misbehaved as alleged.</p>

EMPLOYEE CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
The complainant, who had called 911 to report found property, alleged that named officer, who was dispatched to assist, was discourteous. OPA added an allegation that the named officer may not have used his in-car video system as required by Department policy.	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Sustained 2. Failure to Use In-car Video System – Supervisory Intervention <p>The evidence demonstrated that the named officer was rude when dealing with the complainant, conveying disinterest in addressing complainant's concerns, and disregarded the effort of the captain in his chain of supervision to address the matter less formally. The evidence demonstrated that the named officer had been trained on an earlier version of the in-car video but had not sought training on a newer version and that it appeared he had not sought the training so that he would not be able to use the newer system.</p> <p>Corrective Action: Written reprimand and training on in-car video.</p>

EMPLOYEE CONDUCT: POLITICAL ACTIVITY

Synopsis	Action Taken
The named officer is a candidate for public office in another jurisdiction. The complainant, later determined to be a representative of a political opponent of the named officer, alleged that the named officer inappropriately published on a campaign website, a photograph of himself wearing his Seattle Police Department uniform.	<p>Allegation and Finding: Employee Political Activity – Supervisory Intervention</p> <p>The evidence demonstrated that the issue of misconduct arose in the context of the inherent tension of a hotly contested and acrimonious political campaign in which the named officer is a candidate. The evidence demonstrated that the named officer posted the photograph in question on a personal website and that it somehow ended up on his political website. Regardless of how it got there, the named officer is responsible for vigilantly monitoring his websites for such issues, especially in the midst of an acrimonious political campaign.</p> <p>Corrective Action: Counseling to be vigilant about maintaining strict separation between the named officer's employment with the Department and his personal political campaign.</p>

EMPLOYEE CONDUCT: RESPONSIBILITIES OF SUPERVISORS

Synopsis	Action Taken
The complainant, a subordinate, alleged that the named sergeant engaged in unsafe workplace conduct that should not be expected of a supervisor and that the named sergeant retaliated against him for reporting work performance deficiencies of co-workers to him.	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors – Unfounded 2. Workplace Safety – Not Sustained 3. Complainant Retaliation – Unfounded 4. Supervisory Failure to Take Appropriate Action – Unfounded <p>The evidence was inconclusive regarding whether the named sergeant displayed his firearm in an unsafe manner in the workplace. The evidence demonstrated that the other alleged misconduct did not occur as alleged.</p>

TIMEKEEPING: ABSENCE FROM DUTY

Synopsis	Action Taken
It was alleged that the named employee was absent from work without authorization.	<p>Allegation and Finding: Absence from Work without Authorization – Administratively Not Sustained</p> <p>The evidence was inconclusive whether the named employee engaged in the misconduct alleged.</p>

INFORMATION SYSTEM: CRIMINAL RECORDS DISEMINATED

Synopsis	Action Taken
It is alleged that named officer, in the course of responding to and investigating a domestic violence situation, legitimately accessed the WACIC/NCIC systems and obtained information regarding the suspect, but then shared some of this information with the victim of the domestic violence incident, who was not an authorized recipient of the information.	<p>Allegation and Finding: Improper Dissemination of Criminal History Record Information – Sustained</p> <p>The evidence demonstrated that while named officer accessed the WACIC/NCIC databases for a legitimate law enforcement purpose, he violated access policy by sharing, though in good faith, with the victim of the domestic violence, some of the information that he obtained and which access policy does not authorize to be shared with a non-law enforcement person.</p> <p>Corrective Action: Verbal reprimand.</p>

PATROL OPERATIONS: DUI INVESTIGATIONS

Synopsis	Action Taken
The complainant, an ambulance driver who responded to a traffic collision, alleged that the named officer, who had been dispatched by 911 to investigate the accident, should have investigated and processed the driver involved in the accident for DUI.	<p>Allegation and Finding: Failure to Take Appropriate Action – Supervisory Intervention</p> <p>The evidence demonstrated that the named employee could have conducted a more thorough investigation of traffic accident.</p> <p>Corrective Action: Counseling regarding the importance of conducting a thorough investigation when evidence initially obtained suggests further investigation regarding the possible crime of DUI.</p>

EVIDENCE & PROPERTY

Synopsis	Action Taken
The complainant, a former Department officer being terminated from employment for misconduct, alleged that the named officers misplaced personal property of his when they were emptying and inventorying his work locker as a part of the termination process.	<p>Two named officers Same allegation and finding for each named officer Mishandling Property/Evidence – Unfounded</p> <p>The evidence demonstrated that neither of the named officers engaged in misconduct.</p>

EVIDENCE & PROPERTY

Synopsis	Action Taken
<p>The complainant, whom named officers were booking into the jail for an outstanding arrest warrant, alleged the named officers mishandled property in his possession and that named officer #1 used derogatory language toward him. OPA added an allegation against named officer #2 for suspected failure to use the in-car video system.</p>	<p>Two named officers Allegations and Findings: Named officer #1: 1. Mishandling Property/Evidence – Exonerated 2. Use of Derogatory Language – Unfounded Named officer #2: 1. Mishandling Property/Evidence – Sustained 2. Use of the In-car Video System – Not Sustained</p> <p>The evidence demonstrated that named officer #2 did not submit property of the complainant's into the Evidence Section in a timely manner. The evidence demonstrated that named officer #1 was not involved in the property oversight and did not use derogatory language, as alleged. The evidence was inconclusive regarding the failure to use the in-car video system.</p> <p>Corrective Action for named Officer #2: One-day suspension without pay.</p>
<p>The complainant, whom the named officer had arrested and booked into the jail for a domestic violence assault, alleged that the named officer mishandled cash that the complainant stated he possessed at the time of his arrest.</p>	<p>Allegation and Finding: Mishandling Property/Evidence – Not Sustained</p> <p>The evidence was inconclusive regarding what may have occurred to any money that the complainant may have possessed at the time of his arrest.</p>
<p>The complainant, the mother of a juvenile whom the named officer arrested for a Department of Corrections violation, alleged that the named officer took possession of his identification and failed to return it to him.</p>	<p>Allegation and Finding: Mishandling Property/Evidence – Unfounded</p> <p>The evidence demonstrated that the complainant was not at the scene, the complainant's son refused to cooperate with OPA, and the named officer states that he conveyed to the jail all of the property in the complainant's son's possession when he was booked, including his identification.</p>
<p>The complainant, a co-worker, alleged that the named officers intentionally disabled the GPS tracking systems in their patrol car, that named officer #1 failed to properly secure evidence on one occasion, and that named officer #1 called him a "snitch" for reporting this alleged misconduct.</p>	<p>Named officer #1: Allegations and Findings: 1. Mishandling Evidence – Not Sustained 2. Retaliation – Not Sustained 3. Disabling City Equipment – Supervisory Intervention Named officer #2: 1. Disabling City Equipment – Supervisory Intervention</p> <p>The evidence demonstrated that the named officers had temporarily disabled the GPS systems of their patrol cars. The evidence was inconclusive regarding whether named officer #1 mishandled evidence and retaliated against the complainant by calling him a "snitch."</p> <p>Corrective Action: Operations Bureau chain of supervision to address with officers the importance of properly caring for City equipment.</p>

SEARCH & SEIZURE: SEARCHES-GENERAL

Synopsis	Action Taken
<p>The complainant, who approached the named officers while they were taking a break, alleged the named officers engaged in a number of acts of misconduct toward him.</p>	<p>Three named officers: Named officer #1: Prisoner Handling/Transport/Searching – Unfounded Named officer #2: 1. Prisoner Handling/Transport/Searching –Supervisory Intervention 2. Unnecessary Use of Force – Exonerated Named officer #3: 1. Prisoner Handling/Transport/Searching – Unfounded 2. Failure to Identify Self -- Supervisory Intervention 3. Use of Profanity – Not Sustained 4. Use of In-car Video System – Unfounded 5. Unnecessary Use of Force – Exonerated</p> <p>The evidence demonstrated that named officer #2 misunderstood the Department’s Evidence Section policy for processing tobacco products in the possession of a prisoner at the time of booking and mistakenly destroyed a tobacco pipe belonging to the complainant. The evidence demonstrated that named officer #3 pointing at his name tag and stating his serial number when asked by the complainant to identify himself is not a desired way to state one’s name when asked. The supervisor of these officers discussed with them the importance of compliance with standard procedures.</p> <p>The Lieutenant and the OPA Director recommended that a written directive be published and reviewed at roll calls regarding the handling of a prisoner’s personal property for evidence or safekeeping, including a tobacco pipe as was involved in this incident. The Director will also refer the issue to the Professional Standards Section for review.</p>
<p>The complainant, the mother of a minor child whom named officers had temporarily detained for possible involvement in a suspicious activity call they had been dispatched to investigate – and who was not present at the scene – alleged that the named officers lacked justification to detain her son and that the named officers either misplaced or took \$20 from her son without justification.</p>	<p>Named officer #1: Allegations and Findings: 1. Terry Stops/Mishandling Evidence – Unfounded 2. Terry Stops/Introduction – Exonerated Named officer #2: Allegation and Finding: 1.Terry Stops/Mishandling Evidence – Unfounded</p> <p>The evidence demonstrated that the named officers had justification to temporarily detain the complainant’s son and that the alleged misconduct regarding the missing money simply did not occur as alleged.</p>

SEARCH & SEIZURE: SEARCHES-GENERAL

Synopsis	Action Taken
<p>The complainant, whom the named officers were investigating for possible involvement in an assault, alleged that the named officers improperly searched the trunk of his car. OPA added an allegation that 2 named officers failed to use their in-car video systems in violation of Department policy.</p>	<p>Named Officer #1 Allegations and Findings: 1. Improper Search – Sustained 2. Failure to Use In-Car Video – Supervisory Intervention</p> <p>Named Officer #2 1. Improper Search – Sustained</p> <p>Named Officer #3 1. Improper Search – Sustained 2. Failure to Use In-Car Video – Supervisory Intervention</p> <p>The evidence demonstrated that named officers lacked justification to search the trunk of the complainant’s car. The evidence demonstrated that named officer #1 & #3 failed to utilize their in-car video systems, which could have provided material evidence regarding the allegations under investigation.</p> <p>Corrective Action: Written reprimand and remedial training on search and seizure procedures.</p>
<p>The complainant alleged that the named officer, who was working as a security guard/traffic control officer at a transportation site, unnecessarily bumped his chest into the complainant’s and attempted to prevent the complainant from videotaping/photographing him with a cell phone.</p>	<p>Allegations and Findings: 1. Unnecessary Use of Force – Exonerated 2. Public Observation of Officers – Unfounded</p> <p>The evidence demonstrated that the named officer, a retired Department officer, did not use reportable force against the complainant but only used minimal, reasonable, and necessary force when he guided the complainant’s flailing arms away from him as the complainant animatedly waved his arms while arguing with the named officer and a Parking Enforcement Officer attempting to advise the complainant regarding the placement of his vehicle in a congested traffic area. The evidence also demonstrated that the named officer did not attempt to stop the complainant from videotaping or photographing him but only reacted briefly to the complainant holding a cell phone in his hand and pointing it at the named officer while repeatedly alternating between shouting, “Kill me” and “I’ll kill you,” or words to that effect.</p>
<p>The complainant, whom the named officer saw running around in the street, flailing his arms, and shouting, “They’re after me,” when the named officer could not see anyone, alleged that the named officer used unnecessary force when taking him into custody for treatment by Seattle Fire Department Medics and subsequent transportation to a medical facility for a mental health evaluation.</p>	<p>Allegation and Finding: Unnecessary Use of Force – Exonerated</p> <p>The evidence demonstrated that the complainant was likely suffering from a severe mental health affliction, exacerbated by an intense and prolonged binge on a synthetic illegal drug, and that the actions of the named officer were reasonable and necessary to assist the complainant in getting the mental health and medical care that he needed.</p>

SEARCH & SEIZURE: USE OF FORCE

Synopsis	Action Taken
<p>The complainant, whom the named officer – among several other officers – involuntarily committed for a mental health evaluation following an attempted suicide and who, after being released from the medical facility, then immediately returned to his mother’s residence, which caused the complainant’s mother to fear that the complainant might harm her or her other children, alleged that the named officer used unnecessary force and was rude to him when arresting him.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded 2. Use of Profanity – Unfounded 3. Lack of Courtesy – Unfounded <p>The evidence persuasively demonstrated that the named officer acted reasonably throughout the incident; used only reasonable and necessary force; and treated the complainant with courtesy and compassion.</p>
<p>Four years and four months after the alleged misconduct, and after seeing a news story involving the named officer, the complainant alleged that the named officer used unnecessary force on him when responding to a fight disturbance.</p>	<p>Allegation and Finding: Unnecessary Use of Force – Administratively Exonerated</p> <p>Regardless of the finding in this matter, no disciplinary action could have been meted out because the alleged misconduct reportedly occurred beyond the statute of limitations for investigating such matters. Nevertheless, the complaint was investigated and the evidence demonstrated that the named officer used reasonable and necessary force when arresting the complainant and the complainant’s friend; completed a General Offense Report; completed a Use of Force Report; completed a Hazard Report; and had the incident screened by a patrol supervisor.</p>
<p>The complainant, whom the named officers arrested as he was in the act of committing a domestic violence sexual assault, alleged that the named officers used unnecessary force on him as they interrupted the assault and arrested him. The complainant also alleged that the named officers failed to identify themselves when, at the time, he asked them for their names.</p>	<p>Five named officers Same allegations and findings for each named officer</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force -- Administratively Unfounded 2. Failure to Identify Self – Administratively Unfounded <p>The evidence demonstrated that the alleged misconduct did not occur.</p>
<p>The complainant, who was a party to a disturbance at a hotel that the named officer was dispatched to investigate, alleged that the named officer used unnecessary force to guide and control him.</p>	<p>Allegation and Finding: Unnecessary Use of Force – Exonerated</p> <p>The evidence demonstrated that the named officer used reasonable and necessary force to guide and control the complainant and that the named officer properly documented the event and had it screened by a supervisor.</p>

SEARCH & SEIZURE: USE OF FORCE

Synopsis	Action Taken
<p>The complainant alleged that named officer #1 used unnecessary force to control him when he was stopped for investigation following a complaint by a woman that he had followed and harassed her as she jogged along the sidewalk. OPA added an allegation against both named officer for possible failure to use the in-car video system.</p>	<p>Allegations and Findings: Named officer #1: 1. Unnecessary Use of Force – Exonerated 2. Use of the In-car Video System – Exonerated Named officer #2: 1. Use of the In-car Video System – Exonerated</p> <p>The evidence demonstrated that named officer #1 used minimal, reasonable, and necessary force to maintain temporary control of the complainant who continually attempted to walk away from him. The evidence demonstrated that the quickly evolving nature of the contact did not allow for activation of the in-car video system.</p>
<p>The complainant, whom the named officer had assumed custody of after a security officer from a business had stopped her for shoplifting several items valued at several hundred dollars, alleged that the named officer applied the handcuffs to her too tightly and verbally demeaned her on the trip to the jail.</p>	<p>Allegations and Findings: 1. Unnecessary Use of Force – Exonerated 2. Discourtesy – Unfounded</p> <p>The evidence demonstrated that the named officer used minimal, necessary, and reasonable force to take custody of the complainant and handcuff her. The evidence demonstrated that the alleged discourtesy did not occur as alleged.</p>
<p>The complainant, whom the named officer had arrested, alleged that the named officer unnecessarily used force on him; purposely applied the patrol car brakes sharply to allow the complainant to hit the prisoner screen of the car; used profanity toward him; and was generally disrespectful toward him. OPA added the allegation that the named officer failed to use his in-car video system.</p>	<p>Allegations and Findings: 1. Unnecessary Use of Force – Unfounded 2. Failure to Use In-Car Video System – Supervisory Intervention 3. Use of Profanity – Unfounded 4. Discourtesy – Unfounded</p> <p>The evidence demonstrated that the named officer should have been using his in-car video system though he is a bicycle officer and was only temporarily operating a patrol car to transport his bicycle. The evidence demonstrated that the other alleged misconduct did not occur as alleged.</p> <p>Corrective Action: Supervisory discussion with the officer about the need to use the in-car video system even during short times when transporting bicycles from one place to another.</p>
<p>The complainant, a pedestrian on a skateboard, was temporarily detained by the named officer for a pedestrian violation when the named officer was working secondary employment as a security guard at a construction site. The complainant alleged that the named officer used unnecessary force on him, used profanity toward him, and exercised poor discretion when he seized the complainant's skateboard as evidence.</p>	<p>Allegations and Findings: 1. Unnecessary Use of Force – Exonerated 2. Use of Profanity – Unfounded 3. Exercise of Poor Discretion – Exonerated</p> <p>The evidence demonstrated that the named officer had a legitimate reason to temporarily detain the complainant and seize the complainant's skateboard as evidence. The evidence demonstrates that the named officer used minimal, reasonable, and necessary force to temporarily detain the complainant.</p>

SEARCH & SEIZURE: USE OF FORCE

Synopsis	Action Taken
<p>The complainant, whom the named officers had stopped for a traffic violation, alleged that the named officers lacked justification to search his car (in which they found a large quantity of a controlled substance), used unnecessary force when arresting him, and used profanity toward him.</p>	<p>Named officer #1: Allegations and Findings: 1. Unnecessary Use of Force – Exonerated 2. Improper Search – Supervisory Intervention</p> <p>Named officer #2: 1. Improper Search -- Supervisory Intervention</p> <p>Named officer #3: 1. Use of Profanity – Supervisory Intervention 2. Unnecessary Use of Force – Exonerated 3. Improper Search – Supervisory Intervention</p> <p>Named officer #4: 1. Unnecessary Use of Force – Exonerated 2. Improper Search – Supervisory Intervention</p> <p>The evidence demonstrated that the named officers used reasonable and necessary force to arrest the complainant. The evidence demonstrated that the named officers would benefit from additional training regarding vehicle searches. The evidence demonstrated that while named officer #3 used profanities, it was not addressed to demean the complainant but to forcefully emphasize the need for him to promptly comply with directions from the officers arresting him.</p> <p>Corrective Action: Participation in search and seizure training being enhanced by the Department to address the rapid and continually evolving nature of vehicle searches in Washington State.</p>
<p>The complainant, who was being arrested for using illegal narcotics on a downtown street, alleged to arresting officers that the named officer had used unnecessary force on him when arresting him about a month earlier for another matter.</p>	<p>Allegation and Finding: Unnecessary Use of Force – Exonerated</p> <p>The evidence demonstrated that the named officer used minimal, necessary, and reasonable force when arresting the complaint.</p>
<p>The complainant, whom the named officer were investigating for traffic violations and possibly operating a stolen car, alleged that the named officers used unnecessary force when removing her from the car. The complainant also alleged that the named officers lack justification to search the passenger area of her car after they had arrested her.</p>	<p>Two named officers Same allegations and findings for each named officer: 1. Unnecessary Use of Force – Exonerated 2. Improper Search – Exonerated</p> <p>The evidence demonstrated that the named officers were justified in using reasonable and necessary force and searching the passenger area of the complainant's car.</p>

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.

Mediation Program:

The OPA civilian Director and Auditor selected 14 cases to be resolved through the Mediation Program during the months of September, October and November 2011.

Of the 14 cases selected for the Mediation Program, 3 complainants declined to participate and in 1 case, the officer declined to participate. There were 4 instances where the complainant did not respond to OPA after several attempts were made and 3 where the complainants have not yet responded to OPA after one attempt was made. In 2 cases the complainants have agreed to mediation but the officers have not yet responded to OPA with their decision. 1 case was successfully resolved through the mediation program during this three month period.

Cases Opened (2010/2011 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
1/1-1/31	8	9	8	8	1	1	12	19	29	37
2/1-2/28	18	19	9	5	1	1	16	17	44	42
3/1-3/31	30	12	6	7	1	3	16	10	53	32
4/1-4/30	31	17	9	14	3	6	13	17	56	54
5/1-5/31	15	25	10	12	3	2	23	17	51	56
6/1-6/30	25	16	14	13	1	1	13	14	53	44
7/1-7/31	23	17	10	9	1	2	18	7	52	35
8/1-8/31	20	23	6	16	3	1	12	15	41	55
9/1-9/30	16	16	9	6	4	0	17	13	46	35
10/1-10/31	13	17	9	10	5	0	17	15	44	42
11/1-11/30	12	11	16	10	8	0	19	27	55	48
12/1-12/31	18		13		2		13		46	0
Totals	229	182	119	110	33	17	189	171	570	480

Complaint Classification

Preliminary Investigation Report (PIR) complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.

Supervisory Referral (SR) complaints are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.

Line Investigations (LI) complaints involving minor misconduct are investigated by the officer's chain of command.

Investigation Section (IS) complaints are more complex or involve more serious allegations and are investigated by OPA.

