# THE LAW OFFICES OF
# JAMES C. EGAN PLLC

September 7, 2011

Kathryn Olson, Director
Internal Investigation Section, Office of Professional Accountability
Police Headquarters, 610 5th Avenue ,
P.O. Box 34986, Seattle, WA 98124-4986

**RE: OPA Complaint of misconduct of Kathryn Olson, SPD Sgt. Caryn Lee and Lt. Mark Kuehn**

**Dear Director Kathryn Olson:**

**I am hereby filing a formal complaint about what is clear professional misconduct by you, OPA Sergeant Caryn Lee and Lieutenant Mark Kuehn. I am asking you to acknowledge that you engaged in retaliation against a complainant in violation of City Policy, and that you discipline yourselves accordingly.**

On the afternoon of March 6, 2009, Donald Fuller was arrested at Second and Pike in downtown Seattle when Seattle Police Officers stood on the street looking for drug activity, asked him for identification for jaywalking, ignored his protests of racial profiling and request to speak to their supervisors, and tackled and tased him three times, causing injury to your officer in the process.

After being jailed and released by the courts due to insufficient evidence, he complained to the OPA. OPA literature promises that "filing a complaint does not affect … criminal proceedings" and that ***"Department policies prohibit retaliation against citizens for making a complaint."***

Nonetheless, OPA investigator Caryn Lee – *with your knowledge* – spent a large part of her "investigation" researching why Mr. Fuller was *not* charged with a crime and then lobbied the City Attorney to file charges against Mr. Fuller, including a personal visit "to file this case" and a subsequent phone call where she argued with City Attorney Marc Mayo about not filing charges. Ultimately, the City capitulated to Sergeant Lee's pressure and filed charges, which you never informed Mr. Fuller happened at OPA's insistence. This retaliation is all evident from Caryn Lee's follow up notes and your internal disposition memo to Mark Kuehn dismissing the complaint. Both of you were indifferent to obvious retaliation against a complainant.

You documented that this kind of OPA contact of Prosecutors with "questions" about filing decisions happened "at least one other" time, and that in the future retaliation could be done by you personally and in writing, making retaliation an acceptable OPA practice. I respectfully ask you to mete out the appropriate discipline to yourself for this misconduct.

Sincerely,

James Egan, Attorney

**THE LAW OFFICES OF JAMES C. EGAN PLLC**
605 FIRST AVENUE SUITE 400, SEATTLE, WA 98104 / WWW.EGANATTORNEY.COM / info@eganattorney.com
TEL: (206) 749-0333/0353 Fax: (206) 749-5888 / Cell: (206) 795-3292 (J. Egan)