

Office of Professional Accountability (OPA) Commendations & Complaints Report October 2005

Commendations:

Commendations Received in October: 40

Commendations Received to Date: 356

Name	Summary
Abraham, John M Levandowski, Von	A sergeant and an officer of the Hospital Response Team received a thank-you for their support in responding to a fellow officers serious line-of-duty injury suffered during a collision.
Bonner, Christie-Lynne	A thank you letter was received for Detective's willingness to be flexible and to lend a hand when needed to temporarily fill a position.
Bouldin, Denise	Officer received special recognition for her work in the community.
	A thank you letter was received by the officer for her exceptional visit with a school. She made a positive impact on the students and significantly increased their appreciation of the Seattle Police Department. She reinforced many safety issues with them.
Bunge, David	Officer was commended for his professionalism and sensitivity while responding to a 911 call on a missing person.
Clement, David G Davis, Dorina Dittoe, Jonathan Drury, Gregory Edwards, Michael Engstrom, Jon Hawkes, Miles Howard, Julius McAuliffe, Richard Traverso, Ronnie Turner Jr, Kenneth	A letter expressing thanks was received by eleven officers for their involvement in shutting down a large marijuana growing operation. Their diligent observation and quick response brought this to a successful conclusion.
Colman, Stuart M	A thank you card was received by the officer for his prompt response to a teenage party situation at a public ball field. Peace and quiet has now returned to the area.
Cunningham, R. Friesen, Wesley Hazard, Mark Owings, Stephen Zwaschka, A.	Five officers were commended for their quick response to a dangerous situation, acted professionally including follow-up communications which in turn saved the victim from serious bodily injury.
D'Ambrosio, D. Griffin, Michael Thorp, Adam	Three officers were selected to receive the Law Enforcement Professional Award for their participation in the arrest of the serial Laundry Room Burglar. Their professional performance is being recognized by supervisors, peers, and the Rainier Chamber of Commerce.
Fiorini, Nadia Wherley, Diane	A letter of acknowledgement was sent to two detectives for their outstanding presentation to a family law class on domestic violence, neglect and abuse of dependent and vulnerable adults.
Fowler, John	John was thanked for his presentation to a group of students.
Gracy, Pau	The officer was thanked for his presentation on the DNA LifePrint Child Safety Program.
Graff, Barbara	A thank you letter was received by Barb Graff for her participation as a speaker at a recent Regional Homeland Security Emergency Preparedness Seminar. Her input was greatly appreciated and well received.
Harris, Douglas	An Acting Captain, Lieutenant, several Sergeants and several Detectives were

<i>Mount, Mark Thomas, Brad Traverso, Heidi Ann</i>	commended for their investigation of a major identity theft ring operating in the Western District of Washington. The successful prosecution was due to the hard work of this team
<i>Horswill, Diane</i>	A commendation was received for her presentation at a block watch meeting addressing recent break-ins, mail threat and crime prevention.
<i>Mulkey, Glen</i>	A short note of praise was received by the officer for his flexible and pleasant manner displayed during a traffic stop.
<i>Pendergrass, Mary</i>	Officer received a commendation for the information she provided of the ongoing narcotic activity in her district. Because of this information, the ACT Team was able to make several narcotic arrests and obtain information on others who are involved in narcotic trafficking in the Precinct.
<i>Renner, Michael</i>	Officer was commended for his professionalism, sensitivity and aplomb which was observed by his ride-along. He demonstrated the dedication to task that citizens expect and require of their police officers.
<i>Vandergiesen, Douglas</i>	A letter of thanks was received by an officer for his thorough investigation and well-written report on a minor who was seriously injured in a fall after consuming alcohol at a fraternity house. The officer gathered information and additional written statements which will allow a follow-up with possible criminal charges on the adult who furnished alcohol to the minor
<i>Williamson, Craig</i>	A letter of thanks was received by officer and his K9 partner for their work with the Washington Ferry system to ensure homeland security.

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

October 2005 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.

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged that a Taser application was not necessary during an arrest and that a second employee had made unprofessional comments during the subsequent transport.	The investigation revealed that the complainant was fighting with officers and had failed to respond to verbal commands to come under control. The officer was within policy and authority guidelines when making the apprehension, including the use of the Taser. Finding UNNECESSARY FORCE—EXONERATED The investigation also determined that the comments made to the complainant were not intended to provoke any response and a reasonable explanation was provided and supported as a basis for the remarks. Finding CUBO--UNFOUNDED
It was alleged that the named employees needlessly tackled the complainant taking him to the pavement and holding him there for an extended period of time while no resistance was being offered. The complaint also stated that the officers never sought to cover his exposed body and laughed at him.	The investigation determined that the complainant had taken off his clothes and was acting in an agitated and aggressive manner as a result of medication. The officers who responded, for his own protection and theirs, took him to the ground. Witnesses confirmed that this was done as gently as possible. Once under control, officers covered the complainant with an emergency blanket. There was a delay in the transport of the subject that was not due to any inappropriate or inadequate performance of the employees. Laughter was acknowledged at the scene, but the laughter was not directed at the complainant in a derogatory or demeaning manners. Finding UNNECESSARY FORCE—EXONERATED CUBO--UNFOUNDED
The complainant stated that officers used excessive force while they were breaking up a fight. The subject stated that his arms were twisted behind his back, his finger was twisted and his face shoved into a tree after the handcuffing.	The preponderance of the evidence did not support the allegation. The complaint had been involved in a fight which had initially included a reference to a firearm. Officers handcuffed all involved for officer safety until they could sort out the facts. Witnesses stated that the police handled the incident in an appropriate and reasonable manner. Finding UNNECESSARY FORCE—UNFOUNDED
It was alleged that the named employee used unnecessary force while taking the complainant to the ground following a foot pursuit.	Friends of the complainant provided witness statements that were inconsistent, contradictory and not credible. Independent witness testimony did not support the complainant's story. Evidence indicated that no unnecessary force was used and that no misconduct had occurred. Finding- UNNECESSARY FORCE—EXONERATED
The complainant alleges that an employee slammed her face into a wall and used inappropriate and	The complainant was not credible. She has a history of false accusations in custody settings, and numerous witnesses disputed her claims. Finding- UNNECESSARY

offensive language.	FORCE & CONDUCT UNBECOMING AN OFFICER-- UNFOUNDED
Complainant alleged the named officer used unnecessary force when he arrested her for DUI.	The complainant was the driver in a DUI accident in which other passengers were injured. She was intoxicated, hysterical, and admits to grabbing her license back from the officer and to pulling away when he tried to hold her back. The officer grabbed and held her arm, inducing transitory bruising. This was acceptable and minimal force. Finding--EXONERATED.
The complainant alleged the named officer used excessive force during his arrest.	The named officer responded to a fight disturbance at a party where underage drinking was taking place. The incident did not occur as described by the subject or his witness. There are significant inconsistencies that affect their credibility. In addition, a civilian witness observed the entire incident and supported the officer's statement that he used minimal force to control the resistive subject. The subject sustained a minor injury to the chin when he was taken to the ground. The force was documented, screened, and reported. Finding--EXONERATED.
A tort claim alleging that officers used unnecessary force during the detention of two subjects was forwarded to OPA for review.	The named officers were two of many who responded to a large disturbance and shots fired call. One officer chased on foot the person believed to be the shooter. The suspect got into a car and fled, but was stopped by another officer. One officer pulled the subject from the car and put a knee on his back while he tried to deal with the other occupants of the car. The subjects were seen by medics and released at the scene. Photographs taken show that one subject had an abrasion on his chin. Neither subjects nor witnesses responded to requests for contact. Finding--EXONERATED.
It was alleged that officers used unnecessary force during the subject's arrest.	The subject was contacted for a traffic violation, then fled from the scene on foot. He was found while hiding, and arrested. One officer reported that he used minor force during the arrest when the subject would not comply. The subject had no injuries. The statements he made at the precinct were easily disproven. He did not cooperate with the investigation; his complaints were forwarded to OPA by the on-scene sergeant. Findings--EXONERATED as to one employee; UNFOUNDED as to two employees.
The complainant alleged the named officer used excessive force during her arrest, applied her handcuffs too tightly, and used inappropriate language.	Detectives served a search warrant at the complainant's residence. During the search, police handcuffed her and had her sit on a chair. The named employee, detective witnesses, and a sergeant supervising the scene all discredit the complainant's version of the incident. A detective took extra precautions during the handcuffing out of concern for the complainant's recent surgery. Based on a preponderance of evidence, there was no misconduct. Findings--UNFOUNDED.

IMPROPER SEARCH

Synopsis	Action Taken
The complainant alleged that officers unlawfully entered his home after having requested permission and were told "no."	Officers entered a house pursuant to an arrest warrant. After determining the complainant was in fact not the subject of the arrest warrant, the officers left the home as requested. The incident was determined not to be misconduct or an

	illegal search. Finding-IMPROPER SEARCH—UNFOUNDED
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MISUSE OF AUTHORITY

Synopsis	Action Taken
The complainant alleged that employees searched her vehicle after she was forced to sign a Consent to Search waiver and threatened with arrest.	The complainant's boyfriend was observed placing drugs in the complainant's vehicle and was arrested on a warrant. The complainant was contacted to retrieve her car and responded to the scene to do so. Officers requested permission to search the vehicle which was provided and the consent form was completed. The evidence showed that any comments or alleged threats were made by non-SPD employees at the scene. Finding- MISUSE OF AUTHORITY—UNFOUNDED

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complaint stated that the named employee used profanity and threatened the subject during a traffic stop incident.	The investigation revealed multiple inconsistencies and contradictions between the complainant, witnesses and the named employees. The allegations were determined not to be credible and were unsubstantiated. Finding CUBO--UNFOUNDED
The complainant was arrested for a probation violation and alleges that during the arrest the officers made inappropriate comments and used profanity. Further, the officers failed to identify themselves.	The preponderance of the evidence, including inconsistencies in the complainants testimony, determined that the complainant was not credible. Finding- CONDUCT UNBECOMING AN OFFICER AND FAILURE TO I.D.--UNFOUNDED
The complaint alleged that the employee contacted the complainant for no reason and ordered him off the street. It further alleged that during the contact, the employee's bicycle wheel struck him multiple time during the conversation.	The complainant elected not to cooperate with the investigators and the only information available was the initial complaint. Based on that document and interviews with the employee, the complaint could be neither proved or disproved. Finding- CONDUCT UNBECOMING AN OFFICER—NOT SUSTAINED
The complainant stated that he was traveling in Washington and his vehicle had out-of-state license plates on it. He believed the officer made a pretextual stop with no probable cause. During the contact, the complainant advised that the officer was rude and unprofessional.	The investigation revealed that the complainant had been stopped for a stop sign violation. The officer admitted questioning the driver on the out-of-state license plate (and subsequently on an out-of-state drivers license from a different state) as both are required by law to be updated when becoming a state resident. When the officer determined the driver was a student, he advises that he no longer pursued the issues. The manner in which this incident unfolded could not be proved or disproved. Finding- CONDUCT UNBECOMING AN OFFICER—NOT SUSTAINED
The complainant stated that he believed the named employee, while attempting to stop him for a traffic violation, had used profanity.	The investigation determined that the employee was operating a police motorcycle and attempting to stop a violator for a carpool lane violation on I-5. The complainant failed to yield for the employee and was also stopped. The complainant was cited for failing to yield and failure to produce insurance information. The complainant stated that he did not actually hear any profanity but believed the office

	“mouthed” the words. In the interview of the complainant he advised that he was more upset by the officer’s robot-like mannerisms and that the officer had not allowed him to provide an explanation as to why he did not have his insurance card with him. The officer stated that no profanity had been used and the preponderance of the evidence support that. Finding- CONDUCT UNBECOMING AN OFFICER—UNFOUNDED.
It was alleged that the named employee used profanity and made unprofessional remarks during a traffic stop/arrest.	The evidence established that the named employee did not use profanity. However, he did make a sarcastic remark that was unprofessional and made the subjects conclude that the employee’s actions were biased. Findings—SUPERVISORY INTERVENTION.
The complainant alleged that his stop for a defective taillight and comments made during the stop were unprofessional and motivated by race.	The officers were working emphasis patrol. They stopped the complainant for a defective taillight. The officers state they were not aware of the driver’s race until after they stopped him. The officers let the complainant open his trunk and fix the taillight. They discussed the fact that the complainant had an out-of-state license. There was banter between the complainant and the officers about the quality of life in Seattle. The complainant did not respond to attempts by OPA-IS to contact him. There is no evidence that the stop and citation were motivated by race. Findings—UNFOUNDED.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
The complaint alleged that officers failed to take an incident report and that they did not take the complainant seriously when she reported that her house keys had been stolen.	The complainant’s boyfriend had taken her keys with the intent of later returning. The complainant had given her permission for the boyfriend to stay at the residence and the officers determined that no crime had occurred and no report was needed. The issue of the officers demeanor was determined to be subjective and not based in any fact or observed misconduct. Finding- FAILURE TO TAKE APPROPRIATE ACTION—UNFOUNDED, CONDUCT UNBECOMING AN OFFICER--EXONERATED
The complainant stated that she had attempted to turn over a switch blade knife to an officer and that the officer ordered her away and used profanity when addressing her.	An officer did argue with several women. The situation escalated and the officer told the women that he was not going to argue with them. The officer stated that at no time did anyone attempt to turn over a weapon. The complainant was contacted multiple times but failed to cooperate with the investigation. Finding-FAILURE TO TAKE APPROPRIATE ACTION—UNFOUNDED, CONDUCT UNBECOMING AN OFFICER—UNFOUNDED.
Complainant states that she called 911 and reported a domestic violence assault and that officers failed to take a report. Further, at a later date, she again called 911 as a result of an escalating incident and that officers again failed to take a report.	The preponderance of the evidence in this case indicated that the complainant did not report an assault nor did she, on either occasion, request a report be taken. Responding officers requested assistance from Victim Support Team volunteers and when interviewed, they advised that the complainant had called to intimidate her husband with whom she was experiencing marital difficulties. While there did appear to be a history of verbal issues, neither of the instance reached the threshold requiring written documentation and the officers were within policy and department standards when they did not initiate written

	reports. Finding- FAILURE TO TAKE APPROPRIATE ACTION—UNFOUNDED
It is alleged that the named employee failed to take a report of an incident where the complainant had been threatened.	The investigation revealed that the officer may not have had complete information at the time it was decided not to initiate a report. The incident was subsequently reported by other officers with more detailed information. Finding- FAILURE TO TAKE APPROPRIATE ACTION—NOT SUSTAINED

SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

Synopsis	Action Taken
The complainant stated that prior to being booked into King County Jail, he was taken to the hospital for treatment. While there, the named employee took the complainants clothes, wallet and watch. He states that the employee advised that the property would be delivered to the jail with him, but it never did and it was never returned.	<p>The investigation confirmed that the property was missing. The employee did not follow the best practices in securing the prisoners property. The employee did not intend to deprive the suspect of his belongings. Finding- FAILING TO SAFEGUARD PROPERTY—SUPERVISORY INTERVENTION</p> <p>Policy Recommendation: New policies were implemented to prevent a reoccurrence.</p>

October 2005 Cases Selected for Mediation:

Cases described below were referred for mediation.

Complainant alleged that officer's grabbed and handcuffed her 16-yr old daughter at a fight which occurred at a local high school football game. The complainant thought that others should have been treated in the same manner and weren't and that it was against policy to handcuff juveniles.

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.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

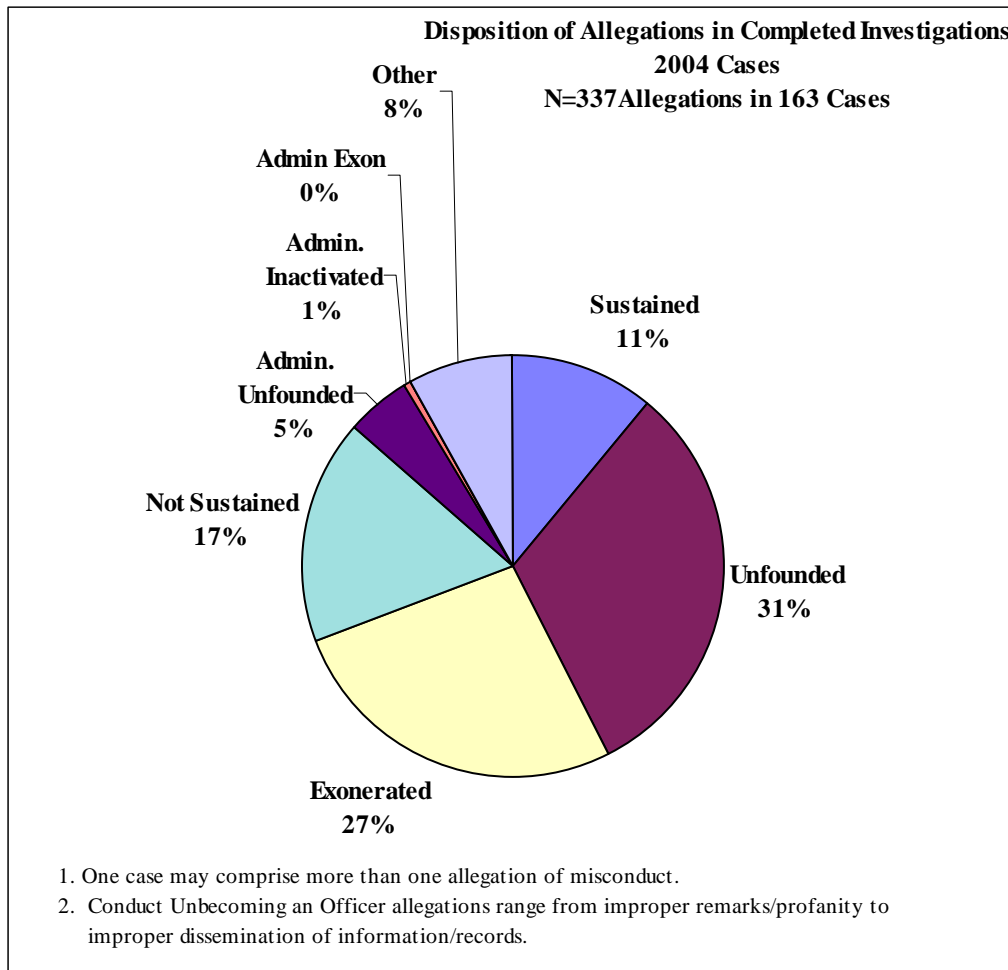
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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:
2004 Contacts**

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	20	163*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	Sept 2005	Jan-Dec 2005
Preliminary Investigation Reports	26	258
Cases Assigned for Supervisory Review	3	61
Cases Assigned for Investigation (IS;LI)	11	194
Commendations	40	356