

**Office of Professional Accountability (OPA)  
Commendations & Complaints Report  
April 2008**

**Commendations:**

Commendations Received in April: 35

Commendations Received to Date: 71

<b>Aana, Leialoha Burrows, David Campbell, Ronald Dietrich, Seth Omelanchuk, Reuben</b>	Officers received an e-mail of thanks for their considerate handling, speed and importance given to a citizen's call concerning someone trying to get into his home.
<b>Avery, Monique</b>	Officer Avery received a letter of thanks for her enthusiastic assistance with a radio station for a "Teddy Bear Patrol" community event.
<b>Bailey, Ryan McGlashan, Scott</b>	Officers Bailey and McGlashan with Harbor Patrol received a letter thanking both officers' for their enthusiasm while giving a tour and their time with a high school senior helping with his "Aspects of Law Enforcement" project.
<b>Bair, Krista Banks, Kelli Chavez, Geraldene Kim, Dorothy Lang, Chriseley</b>	A letter of appreciation was received by several of our employees for their enthusiastic support and dedication as workshop presenters at a conference for high school girls.
<b>Fox, PJ Hope, Brian McLaughlin, Chad Tovar, Juan Willoughby, Tad</b>	Several Officers from the West precinct received an e-mail, thanking each for their presence, efforts and actions in keeping unacceptable or illegal behavior out of a business area.
<b>Hamlin, Sean</b>	Officer Hamlin received a note of appreciation for his empathy and reassurance during a follow-up on a break-in at a citizen's home.
<b>Havenar, Tim</b>	Officer Havenar received a letter that recognized the exceptional work he had done in the Laurelhurst neighborhood.
<b>Hidalgo-Landeros, Cesar</b>	Cesar Hidalgo-Landeros from the Video unit received a letter of thanks and appreciation. Cesar and the Video Unit's efforts are shown in the work hours, technical expertise, and access to hardware that make their presentations much more effective.
<b>Hill, Lauren Thorp, Adam Werner, Eric</b>	A stolen vehicle equipped with a silent alarm was tracked and recovered. Officers were commended for their assistance and expertise.

<b>James, Linda Mitchell, Mary</b>	Parking Enforcement Officers Mary Mitchell and Linda James received a letter of appreciation for their participation at events at a Middle School. Their charismatic attitude and willingness to help was very apparent.
<b>Johnston, Terrie Tello, Fran</b>	Crime Prevention Coordinators Fran Tello and Terri Johnston received a letter of recognition for their level of professionalism and dedication to crime prevention and community building.
<b>Maxwell, Randy</b>	A letter of commendation was sent to Officer Maxwell for his high level of service to a citizen when assisting a traffic accident. Officer Maxwell gave instructions and handled the accident smoothly and efficiently.
<b>Monson, Clay</b>	Lieutenant Clay Monson received e-mail for his prompt and professional response when responding to citizen's question while making positive impressions.
<b>Moore, Charles</b>	Detective Moore received a letter of commendation for his participation and outstanding work in the investigation and apprehension of a fugitive wanted by another agency.
<b>Murray, Wade</b>	Officer Wade Murray received a letter of commendation from a citizen who accompanied him on a ride-along and was very pleased by the experience.
<b>Rainford, Robert</b>	Detective Robert Rainford received a commendation for assisting a vision impaired woman catch a cab. Detective Rainford waited outside with the lady, caught the attention of a cab driver, walked her and her dog across the street to the cab, then made sure the cab driver knew where to take her.
<b>Sather, James</b>	Officer Sather received an e-mail commendation thanking him for his professionalism and courtesy when assisting a stranded motorist. Officer Sather made a positive impression with his good humor and ability to expedite the arrival of a tow truck.
<b>Swank, Keith</b>	Acting Lieutenant Swank received a letter of thanks from a citizen who was unable to contact her friend. Acting Lieutenant Swank assisted in checking the welfare of the friend of the citizen.

## April 2008 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.*

### VIOLATION OF LAW

Synopsis	Action Taken
It was alleged that the named employee, while off-duty, operated a vehicle while under the influence of intoxicants.	The evidence demonstrated that probable cause existed to arrest the named employee for the crime of DUI. The employee also admitted to the violation. Finding--SUSTAINED
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This agency was notified that an employee was being investigated for taking indecent liberties with a minor stepdaughter.	The stepdaughter recanted the allegation and there was no evidence of any criminality or misconduct on the part of the employee. Finding—ADMINISTRATIVELY UNFOUNDED

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
<p>It was alleged that an employee used poor discretion and judgment in an incident and possibly aggravated the issues by failing to identify himself, engaging in a pursuit in an unmarked vehicle without emergency equipment and failing to have a radio while on-duty. Further, that a supervisor failed to take appropriate actions in both preventing the allegations from occurring or intervening as the incident developed. The Supervisor is also alleged to have not reported the details of the incident in a timely manner.</p>	<p>The investigation determined that the allegations that the named officer might have contributed to the incident escalating or that the Supervisor failed in his responsibility to intervene could not be proven by the preponderance of the evidence. It was considered appropriate to provide the employees with additional training, review of the policy and/or counseling. Finding—SUPERVISORY INTERVENTION</p> <p>The issue of the employee's failure to identify himself could also not be determined by a preponderance of the evidence. Additional training and counseling will allow for the exploration of the pros and cons of identification under the circumstances of the encounter. Finding—SUPERVISORY INTERVENTION</p> <p>The investigation determined that the supervisor did fail to make the necessary notifications in a timely and appropriate manner. Finding—SUSTAINED</p> <p>It was further determined that the employees did have a departmental radio, but it was not readily available at the time of the incident due to their undercover status. Finding—UNFOUNDED</p> <p>It was also determined that no "pursuit" occurred, but rather the employees followed the subject vehicle in a manner that was deemed appropriate. Finding—EXONERATED</p>
<p>The complaint alleged that an unknown employee made inappropriate remarks to a group of juveniles during SEAFAIR activities.</p>	<p>The juveniles reported the incident to adults who returned to the location of the incident. No employees were in the vicinity and the investigation failed to identify any possible employee. It was determined that the juveniles may have fabricated the details of the complaint. With no additional leads or other information to pursue, the investigation has been placed on hold. Finding—ADMINISTRATIVELY INACTIVATED</p>
<p>The complaint stated that an employee was rude during a traffic stop and that the employee threw citations into the car at the conclusion of the contact.</p>	<p>The employee and the complainant's versions and recollection of the incident were different and without the benefit of any independent witnesses, the facts either way could not be proven by a preponderance of the evidence. Finding—NOT SUSTAINED</p>
<p>The allegation included multiple issues of timekeeping and excessive work hours by an employee.</p>	<p>The investigation determined that the employee should have reasonably known that he was working an excessive number of hours without obtaining a reasonable amount of rest as required by department policy. Finding--SUSTAINED</p>

**UNNECESSARY FORCE**

Synopsis	Action Taken
The complainant stated that two employees used excessive force when he was taken to the ground, handcuffed too tightly and arrested.	The preponderance of the evidence indicated that the employee's actions were reasonable and necessary as supported by independent witnesses. The complainant also advised that when he complained about the handcuffs being tight, they were loosened. Finding--EXONERATED
The complaint alleged that multiple named employees used excessive force when taking the subject into custody during a felony traffic stop for a verified stolen vehicle.	The investigation determined that the suspect struggled with the employees attempting to bring him under control. The employees used reasonable and appropriate force to control the subject. The evidence did not support the allegation. Finding--EXONERATED

**RULES/REGULATIONS**

Synopsis	Action Taken
Complaint alleged that the named employee failed to take appropriate enforcement action by not citing drivers involved in an accident.	The investigation determined that while the policy may be interpreted as requiring the employee to cite the at fault driver, the officer believed he had discretion to resolve the situation in an alternative manner. There was no willful failure to not follow departmental policy, but additional training was determined to be an appropriate remedy. Finding—SUPERVISORY INTERVENTION
It was alleged that an employee had failed to self-report to a supervisor that they had been the subject of a criminal investigation in a different jurisdiction	The preponderance of the evidence indicated that it was reasonable for the named employee not to have concluded that he was a subject in a criminal matter outside the jurisdiction of Seattle. Finding—NOT SUSTAINED

## April Cases Mediated:

- Complainant alleged that the named employee failed to properly cite the at fault driver resulting in their citation being dismissed. Further, the at-fault driver should have been also charged with hit & run.
- Complainant alleges that the named employee gave him a parking citation and when he questioned the employee about what it was for, she replied that he was blocking and that she told him, "I love nailing people with nice cars."

## Definitions of Findings:

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not Sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Cases Opened (2007/2008 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
1/1-2/15	39	37	14	7	0	2	19	15	72	61
2/16-3/15	25	22	6	9	1	1	13	11	45	43
3/16-4/15	20	20	3	5	2	1	14	5	39	31
4/16-5/15	37	21	10	5	1	2	12	14	60	42
5/16-6/15	31		7		1		7		46	
6/16-7/15	41		9		1		13		64	
7/16-8/15	30		9		1		15		55	
8/16-9/15	27		14		1		14		56	
9/16-10/15	16		10		0		13		39	
10/16-11/15	22		6		1		14		43	
11/16-12/15	21		8		3		15		47	
12/16-12/31	6		1		2		3		12	

2007 Cases Closed to Date

