

**Office of Professional Accountability (OPA)
Commendations & Complaints Report
December 2007**

Commendations:

Commendations Received in December: 25

Commendations Received to Date: 192

<i>Bonet, Michael</i>	A letter of appreciation was sent to Officer Michael Bonet for the assistance he provided during the investigation of a burglary. Officer Bonet was very helpful, informative and showed great sympathy for the loss. Officer Bonet's kind actions and informative explanations were really appreciated.
<i>Bouldin, Denise</i>	Officer Denise Bouldin received a letter of appreciation, for her presentation at the Annual Rosa Parks Celebration held at Rosa Park Elementary School. The children listening in the audience appreciated the inspirational message.
<i>Britt, James Caille, Brandon Deese, Damon Frese, James Rice, Steven</i>	Officers received a letter of commendation for their efforts in recovering stolen vehicles equipped with silent alarms.
<i>Jenkins, David Carlson, Douglas</i>	Both Officers Doug Carlson and David Jenkins received a letter of commendation for their assistance to the investigation and execution of a Washington Department of Agriculture warrant.
<i>Christiansen, Rande</i>	An expression of gratitude was given to Detective Randy Christiansen for his professionalism, investigative work and support of the victim.
<i>Cooper, James Worstman, Mark</i>	Both Sergeant Mark Worstman and Detective James Cooper received an expression of gratitude. They both did a great job handling the incident where a suspected gunman shot three customers.
<i>Fitzgerald, James</i>	Lt. James Fitzgerald received an expression of gratitude for his assistance in the apprehension and arrest of a criminal who was selling untaxed cigarettes.
<i>Grieve, Brett</i>	A phone call was received commending Officer Brett Grieve for the outstanding job he did with a missing person case.
<i>Haag, Devlin</i>	A thank you card from the citizens served by the North precinct was sent to Officer Devlin Haag.
<i>Hayes, John</i>	A letter of appreciation was sent to Lt. John Hayes for his participation in the Youth Advisory Council. Lt. Hayes forthright answers, humor and thoughtfulness were much appreciated.

Kelley, Vernon	Officer Vernon Kelley received a letter of appreciation for his handling of a missing person incident. When Officer Kelley arrived he was calm, professional, courteous and thoughtful. Officer Kelley is appreciated for treating the parents' concerns seriously and with respect, and giving his best assessment of the situation.
Kerns, Glenn	Officer Glenn Kerns received a letter of thanks for his participation as a speaker at the FBI's Joint Terrorism Task Force National Training Conference.
Long, Suzanne	Detective Suzanne Long, for her participation in the Clackamas County's 5th Annual National Family Violence Apprehension Detail, received an expression of gratitude.
Nguyen, Trung	A letter of acknowledgment was sent to Officer Trung Nguyen for his positive contact with a 15 yr old who had been jumped and robbed of \$20.00. Officer Nguyen discussed the entire incident with the young man and also provided information on issues of violence and guns. Officer Nguyen also listened in a sensitive, patient and non-judgmental way. The time provided to try to give her son some common sense advice was very much appreciated by the mother.
Pelich, Debra	Officer Debra Pelich received an expression of gratitude. After a citizen was involved in a minor car accident, Officer Pelich assisted the citizen in getting to his performance on a popular cruise line that was to leave for the Christmas Boat Parade. Officer Pelich hurried with the paperwork, gave him an escort, helped unload and carry his drum equipment down to the boat and placed it where he would be playing. The audience applauded Officer Pelich for her taking the time to help.
Toth, Michael	Officer Michael Toth received an expression of appreciation for the superior customer service he provided when he went to extended lengths to obtain contact information for a representative of a local business. He did so to ensure that there was awareness of an incident that took place earlier regarding one of the company's security gates.
Umporowicz, Thomas	<p>A letter of appreciation was given to Officer Thomas Umporowicz for his guest lecture for a criminal justice class at Green River Community College. The students enjoyed listening, interacting with questions, and a Taser demonstration.</p> <p>Officer Thomas Umporowicz received a second letter of appreciation for his lecture and for encouraging students to complete their education and to also consider the many different career opportunities that the Seattle Police Department offers.</p>

Wolak, William	Mr. Bill Wolak received a letter of appreciation for his participation in the Emergency Operations Center activation and handling of a critical incident.
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*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

December 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>It was alleged that the named officer was acting in the capacity of a K9 handler when the K9 bit another employee on the leg, causing damage to the employee's pants. Complainant further alleged that the named officer failed to properly report the bite to a supervisor and may have been misleading during the subsequent discussion.</p>	<p>The investigation determined that the officer who was bitten made no formal complaint about this incident until a K9 Sergeant approached him weeks later. The employee had in fact accepted a \$40.00 gift card from the handler for the damaged pants thinking this was a part of the K9 unit protocol.</p> <p>To her credit, the handler's immediate response to second employee was concern for his personal welfare. Upon determining the pants were only ripped, the K9 officer even took steps to compensate the employee for their monetary loss.</p> <p>The incident occurred during a brief, chaotic and stressful situation. The recollection of the events differed. The allegation could neither be proved nor disproved by a preponderance of the evidence.</p> <p>Finding Violation of Rules/Regulations & Honesty—NOT SUSTAINED.</p>
<p>It is alleged the named officer, without authorization, while on-duty, in uniform, drove his patrol car outside the city limits of Seattle for personal use.</p>	<p>Named officer admits that while on-duty, in uniform, without authorization, he drove his patrol car outside the city limits of Seattle to pick up his daughter at one location to transport her to another location and that this constitutes a violation of Department policy. Finding—SUSTAINED.</p>

<p>Complainant alleges named officers lacked a legal basis for taking him into custody for an extended period of time, including transporting him in handcuffs from a location on a public street to a precinct, to the Seattle Justice Center, and back to the precinct, in order to obtain fingerprints. Further, named officers did not complete an Incident Report documenting this incident until 6 weeks after it occurred.</p>	<p>A preponderance of the evidence demonstrates named officers initially had a reasonable suspicion to detain complainant in order to determine whether complainant was a suspect in a disturbance/assault. However, when the named officers determined the complainant was not a criminal suspect, their purpose for temporarily detaining complainant evaporated, and complainant should have been free to leave.</p> <p>The preponderance of the evidence established that the named officers did not complete an Incident Report until approximately 6 weeks after the incident.</p> <p>Finding Exercise of Discretion—SUPERVISORY INTERVENTION.</p> <p>Finding Arrest Procedures—SUSTAINED.</p> <p>Finding Responsibilities of Supervisors—SUSTAINED.</p>
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VIOLATION OF LAW

Synopsis	Action Taken
<p>The complainant reported that the named employee, while off duty, operated a privately owned vehicle while under the influence of intoxicants.</p>	<p>The evidence demonstrated that probable cause existed to arrest the named employee for the crime of DUI. The named employee knowingly and voluntarily pleaded guilty to Reckless Driving. Finding —SUSTAINED.</p>
<p>Complainant reports that the named officer, while off duty was cited and released by another jurisdiction for criminal behavior.</p>	<p>The investigation 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.</p> <p>Finding Violation of Law—SUSTAINED.</p> <p>Finding Violation of Rules/Regulations—SUSTAINED.</p> <p>Finding Courtesy—SUSTAINED.</p>
<p>Police from a local jurisdiction arrested the named officer, who was off-duty and driving a private vehicle, for DUI.</p>	<p>The evidence established that the police 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>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>The subject alleges that the named employee issued nine citations to five vehicles, and one trailer that belonged to him. The complainant stated that he had not been previously warned of any parking violations and the employee would not allow him or a neighbor to move the vehicles, even though both had valid driver's licenses. The complainant felt that the employees' actions were harassing and an abuse of his authority.</p>	<p>The facts in this case suggest that the employees were working on a chronic vehicle issue plaguing a neighborhood. The problem was referred to them through a crime prevention coordinator. The officers believed that they were lawfully impounding the complainant's vehicles due to violations. Finding—UNFOUNDED.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
<p>Complainant alleges the named officer, during the course of arresting the complainant used unnecessary force and damaged the complainant's personal property. The allegation further alleged that the named employee used derogatory language when addressing the complainant.</p>	<p>A preponderance of the evidence demonstrated that the named officer had a lawful purpose for detaining complainant and used minimal, reasonable and necessary, force to assist and move complainant about the initial scene and at the precinct. Finding Force—UNFOUNDED.</p> <p>A preponderance of the evidence demonstrated the complainant's assertion of inappropriate language is the only evidence offered to support the allegation; that the complainant's credibility is undermined by his irrational behavior during the contact, his continual refusals to comply with mundane requests from named officer or to communicate with named officer in any way; and that complainant has faulty recall of significant aspects of his detention. Finding Language—UNFOUNDED.</p> <p>The complainant offered only his unsupported assertion as to the extent and how his personal property may have been damaged. Additionally, based upon the same reasons noted under the conclusion above for allegation #2, the complainant may not have accurately recalled the condition of his property either before or after his contact. Finding Mishandling Evidence/Property—UNFOUNDED.</p>

<p>Complainant alleges the named officer used unnecessary force when arresting the complainant for painting graffiti on buildings. Specifically, that named officer kicked the complainant once in the ribs while the complainant lay on the ground peacefully submitting to arrest. Complainant and complainant's mother went to a local hospital the day after the incident, complaining of bruising on complainant's chest allegedly caused by the kick from named officer. The health care provider contacted SPD to report the misconduct allegation.</p>	<p>A preponderance of the evidence demonstrated that the named officer lawfully contacted complainant as a suspect in a vandalism call; that complainant hid from and quickly walked away from named officer, disregarding repeated commands to stop and lay on the ground; that named officer was attempting to stop two suspects simultaneously in a dynamically changing situation with up to 5 or 6 suspects possibly hiding in the immediate area; that complainant did not place his chest fully on the ground and was likely on his hands and knees, and at one point attempted to stand in a possible attempt to flee; that named officer placed his foot on the complainant to force the complainant to the ground; that perceptions of the force behind this foot contact differ between the named officer and the complainant but with a citizen rider stating the force used was to control and not injure the complainant; and that, at worst, the complainant suffered only a minor bruise from the contact. Finding—EXONERATED.</p>
<p>The subject alleged the named employee used unnecessary force when apprehending his son as he fled from a burglary scene. The complainant stated the named officer threw his son through a wooden fence, causing a bruise to his eye. The complainant also alleges the named officer held his son on the ground applying knee pressure to his neck, which caused him pain.</p>	<p>Force of the magnitude alleged should have resulted in significant trauma to the juvenile's face. The photo of the subject barely registers any markings at all. Although there is a claim that he had bruising near his eye, there is no injury noticeable in the 8 x 10 photo. The only visible injury to the subject is a minor scrape on his arm consistent with a failed attempt to climb over a fence. The subject's associate gave a different version of events than the subject himself. The evidence tends to support the officer's version of the incident. The officer's actions were reasonable and necessary to take the subject into custody for a burglary. Finding—EXONERATED.</p>

December Cases Mediated:

- The complaint alleged that the named employee was discourteous and failed to take a missing persons report when requested to do so.

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.

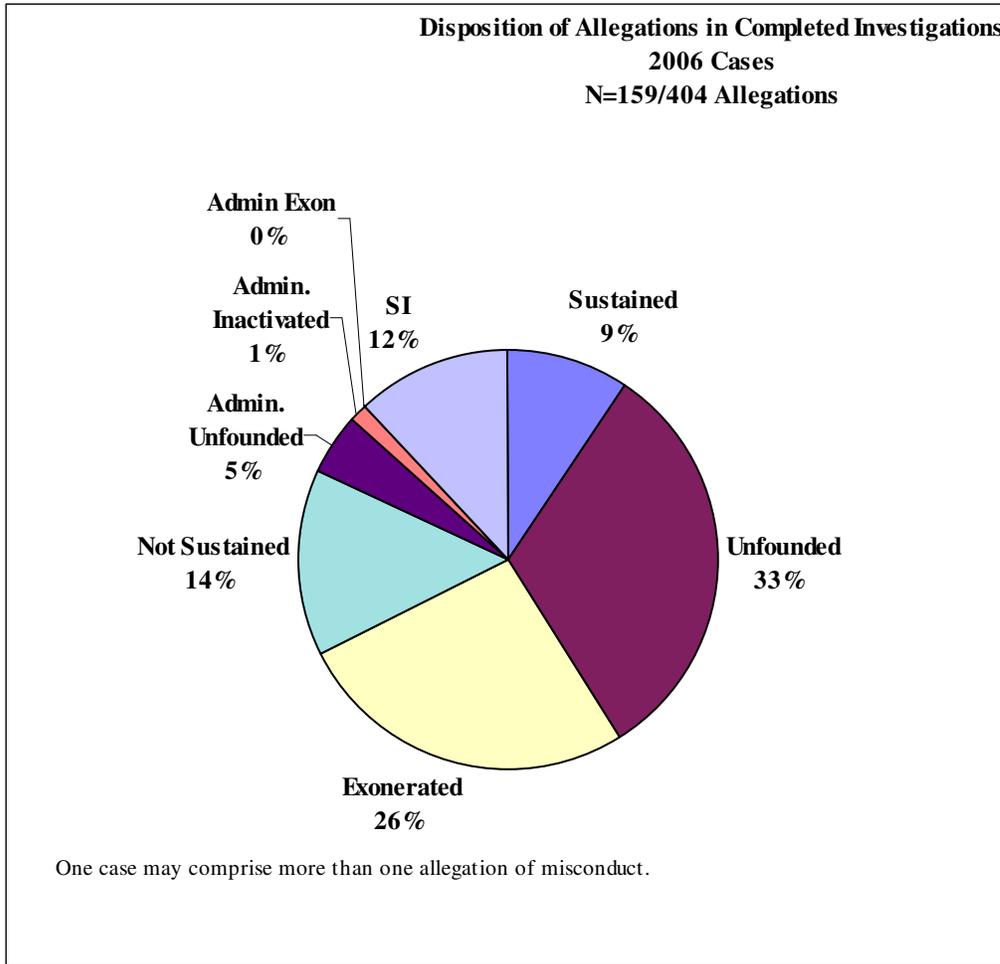
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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)	159*
Commendations	397

*includes 2006 cases closed in 2007



2007 Contacts	Dec 2007	Jan-Dec 2007
Preliminary Investigation Reports	13	316
Cases Assigned for Supervisory Review	1	97
Cases Assigned for Investigation (IS;LI)	11	166
Commendations	25	192