

**Office of Professional Accountability (OPA)  
Commendations & Complaints Report  
January 2009**

**Commendations:**

Commendations Received in January: 18

Commendations Received to Date: 18

<b><i>Elias, Adam Carpenter, Colin Gingrey, Joel Inouye, Marcus Johnson, Jeffrey</i></b>	Officers Carpenter, Elias, Gingrey, Inouye and Johnson received a letter of commendation for their outstanding arrest and recovery of a citizen's stolen Honda. Due to the Officers' quick response despite the icy and snowy road conditions, they apprehended several suspects and were able to obtain confessions.
<b><i>Heller, Thomas DePina, Camilo Schoenberg, Brett</i></b>	Multiple stolen vehicles equipped with silent alarms were tracked and recovered. The officers were commended for their assistance and expertise.
<b><i>Dittoe, Jonathan</i></b>	Officer Dittoe received a commendation from the Drug Enforcement Administration for his outstanding investigative skills and successful execution of a search warrant.
<b><i>Hogan, Kathleen</i></b>	Ms. Hogan received a letter (Freedom Team Salute) of commendation from the U.S. Army. Ms. Hogan has been helping an employee with his commitment as a soldier in the Army and his return to civilian life. The letter stated that it was encouraging to see America's employers such as Ms. Hogan help the US Army maintain their commitment to the Nation and the American way of life.
<b><i>Ishimitsu, Roger Pitts, James</i></b>	Officers Pitts and Ishimitsu received a commendation for their hard work and the outstanding investigation of a rape case that resulted in a guilty plea.
<b><i>Jackson, Garry</i></b>	Detective Jackson received a letter of thanks for his delivery of two outstanding assembly presentations at the Kingston Middle School. Students were impacted with how vulnerable they really are when they go on line and many went home and shared the presentation information with their parents.
<b><i>Larned, Michael</i></b>	Officer Larned received a letter of commendation for his assistance during a possible stolen vehicle incident. He made a very trying situation much easier.
<b><i>Matson, Dale</i></b>	Officer Matson received a commendation for contacting the owner of a lost cell phone. The owner really appreciated the effort it took to get her cell phone back to her.
<b><i>Pelich, Debra</i></b>	Officer Pelich received a letter of thanks for diffusing what could have been a volatile situation. She has since done follow-up and has done a great job.

<b>Van Arnam, Steven</b>	Officer Van Arnam received a letter of commendation for his involvement in a stolen air gun incident. He responded to the house where a 14-year-old had been the victim of the theft. While at the house he was kind, gentle and supportive. The mother of the young man stated she could not have asked for a better civics lesson to be imparted to her son and could not have been more proud of the police force as embodied by Officer Van Arnam.
<b>Fowler, John</b>	Mr. Fowler received over 75 thank you notes from students who had attended an OPA outreach program at a local high school. Creating a relationship of mutual trust and joint problem solving between the police and high school youth was the focus of the visits. The presentations included not only an orientation to the OPA complaint process, but a significant discussion on respect and dignity and how to appropriately deal with police.

### January 2009 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: PROFESSIONALISM

Synopsis	Action Taken
The complaint alleged that the named employee had inappropriate contact with a student explorer and that there were truthfulness issues during his subsequent interview concerning the incident.	The evidence established that the misconduct did occur as alleged. Finding—Respectful Workplace—SUSTAINED, Honesty--SUSTAINED
The complaint alleged that selective enforcement had been undertaken in the issuance of parking citations.	The investigation determined that no selective enforcement had taken place and citations had been issued throughout the neighborhood and not just at the specific business as alleged. Finding--UNFOUNDED
The complainant advised that he was called a derogatory name and that the unknown employee failed to properly secure his skateboard that was abandoned at the scene.	The complainant alleged that a two-officer car had stopped him and that he was so startled, he ran away leaving his skateboard behind. No similar events were logged to radio and communications section air traffic showed no matching incidents. No incidents were found in a review of resource summaries and there were no two-officer cars working at the time of the incident. No evidence was found that would allow for further investigation. Finding—both the profanity and the failure to secure evidence--ADMINISTRATIVELY INACTIVATED

The complainant believes that her vehicle is being targeted for selective enforcement while other violators are being ignored.	No evidence was developed to support the allegation and it was determined that the named employee had acted in a professional and appropriate manner. Finding--UNFOUNDED
The complaint stated that the employees had failed to document an incident and complete a report as required.	The evidence determined that the employee concluded that the incident did not rise to the level of a reportable event. The employee exercised his discretion reasonably and within department policy. Finding—Exercise of Discretion--EXONERATED
The complainant stated that the named employee issued him a parking citation in retaliation for him not getting other co-workers' vehicle to move.	The investigation determined that the employee acted legally and within the scope of his assignment in the issuing of the citation. There was no evidence to support the allegation that he had cited the complainant in order to retaliate against him for not moving his co-worker's vehicle. Finding--UNFOUNDED

**STANDARDS OF CONDUCT: INTEGRITY**

It was alleged that a department supervisor maintained an ownership interest in a business that created a conflict of interest and employed subordinates in positions in the absence of secondary employment approval.	The investigation determined that the named supervisor did not have any interest in the business nor promote any opportunities for off-duty work without appropriate approval. Finding—Conflict of Interest/Misuse of Authority—UNFOUNDED
	The investigation did determine that another employee took advantage of an off-duty opportunity without the proper approval. Finding—Secondary Employment Permit--SUSTAINED
The allegation stated that the named employee might have violated Department policy concerning in-car camera video.	The investigation determined that the employee had deactivated the equipment consistent with policy and training. Finding--UNFOUNDED

**RULES AND REGULATIONS**

The complaint alleged that the named employee did not comply with hospital guard procedures, resulting in a prisoner escape.	The evidence established that the named employee had failed in his responsibilities and had violated SPD policy allowing the prisoner to escape. Finding—SUSTAINED *Note: prisoner was located and apprehended.
08-0400 It was alleged that the named employee's operation of a patrol vehicle was the proximate cause of a collision.	The investigation determined that the officer had failed to comply with policy in the operation of an assigned patrol vehicle. This failure contributed to a collision. Finding--SUSTAINED

**MISHANDLING EVIDENCE/PROPERTY**

Synopsis	Action Taken
The complainant advised that after a consent search of her residence by police, she was missing a packet of money she usually keeps under her pillow.	The available evidence made it impossible to determine whether the alleged missing money existed or, if it did, what may have happened to it. The evidence could neither prove nor disprove the allegation. Finding—NOT SUSTAINED

It was alleged that the named employee refused to return property to the complainant.	The evidence determined that the employee had acted consistent with Department policy and that no violation had occurred. Finding--EXONERATED
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### **VIOLATION OF LAW**

<b>Synopsis</b>	<b>Action Taken</b>
The complaint alleged that a counterfeit watch scheduled for destruction had been removed from the evidence warehouse.	The investigation was unable to identify any possible subjects or investigative leads. Finding—ADMINISTRATIVELY INACTIVATED
The complainant stated that he had purchased narcotics from the named employee.	The complainant subsequently denied making any allegations and stated that he must have been drunk or high to make such an assertion. No corroborating evidence could be developed. Finding—ADMINISTRATIVELY UNFOUNDED
The complainant upon being arrested for an illegal drug transaction, alleged that two unknown officers known as “Starsky & Hutch” have engaged in a pattern of theft of cash from low-level street drug dealers and “crackheads.”	Interviews were conducted to include confidential informants and no evidence to corroborate the complainant’s assertions could be developed. The case has been inactivated pending the discovery of material evidence that would warrant further investigation. Finding—ADMINISTRATIVELY INACTIVATED
It was alleged that the named employee provided money and illegal narcotics to a suspected drug dealer.	The allegation consisted of unsubstantiated assertions based on hearsay and exaggerated opinion. Not a scintilla of evidence existed to show that the named employee was involved in any illegal activity. Finding—ADMINISTRATIVELY UNFOUNDED

### **UNNECESSARY FORCE**

<b>Synopsis</b>	<b>Action Taken</b>
The complainant stated that the named employee used unnecessary force by “pushing him around.”	The investigation determined that the employee only used minimal, reasonable and necessary force in response to the complainant’s assault from behind. Finding--EXONERATED
The complaint advises that the involved employee used excessive force while making an arrest at Safeco Field.	The complainant was being taken into custody and was uncooperative and aggressive. The force used was determined to be necessary and reasonable under the circumstances. The investigation also determined that the complainant’s assertions were exaggerated and distorted. Finding--UNFOUNDED
The complainant stated that the arresting officers tased him without justification and stomped on him while twisting his arms and kicking him in the face.	The investigation determined that the complainant’s description of the force used was grossly exaggerated and inconsistent with the evidence. The force used was determined to be reasonable and necessary to bring the complainant under control and protect bystanders. Finding--UNFOUNDED

It was alleged that the named employee unnecessarily pulled on the handcuffed complainant at the time of his arrest.	The investigation determined that the allegation was unsupported by any evidence and that the named employee did not engage in the misconduct as alleged. Finding--UNFOUNDED
The complainant alleged that the named employee used excessive force while arresting him by "palm striking" the back of his head and pinning his crossed ankles to the ground while handcuffing him.	The named employee's use of force statement and the in-car camera video were consistent with the complainant's description of force. There were no issues of fact. The force used was determined to be minimum, reasonable and necessary. Finding—ADMINISTRATIVELY EXONERATED
The complaint stated that the employee, working at a secondary employment site, tackled an unknown individual, picked him up and slammed him into a wall.	Given the evidence available, the investigation could neither prove nor disprove the allegation of unnecessary force. Finding—NOT SUSTAINED  The investigation did determine the employee did not have the required secondary employment permit. Finding—SUSTAINED
The complainant alleged that employees had slammed his face into the ground while he was being arrested for auto theft.	The investigation determined that the alleged misconduct did not occur as reported. Finding--UNFOUNDED
The complaint alleges that the named employee, while working at a uniformed secondary employment position, grabbed her by the wrist and arm and demanded that she identify herself. Further, the complainant states the employee refused to identify himself when asked.	The evidence supported that the officer exercised prudent discretion and necessary, minimal and non-reportable force when escorting the complainant from a dangerous construction site she was attempting to traverse as a short cut. Finding—Force—EXONERATED  The evidence was inconclusive concerning the issue of the employee's failure to identify. Finding—NOT SUSTAINED  The investigation did determine that the employee did not have a secondary work permit as required by policy and had failed to log in over the Department radio as required. Finding--SUSTAINED
The complainant was stopped for a pedestrian violation and alleged that the named employee was discourteous and used unnecessary force when he grabbed him to detain him to issue a citation.	The evidence determined that the complainant failed to comply with the officer's instructions to stop that necessitated the employee seizing him and returning him to the sidewalk. Finding—Force—EXONERATED  No evidence was developed to support the allegation that the employee had acted in a discourteous manner. Finding--UNFOUNDED

## January 2009 Cases Mediated:

Complaint alleged that the named employee had been insulting and degrading when a comment was made about her driving on the wrong side of the road. Complainant believed the comment was made due to her ethnicity.

## 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.

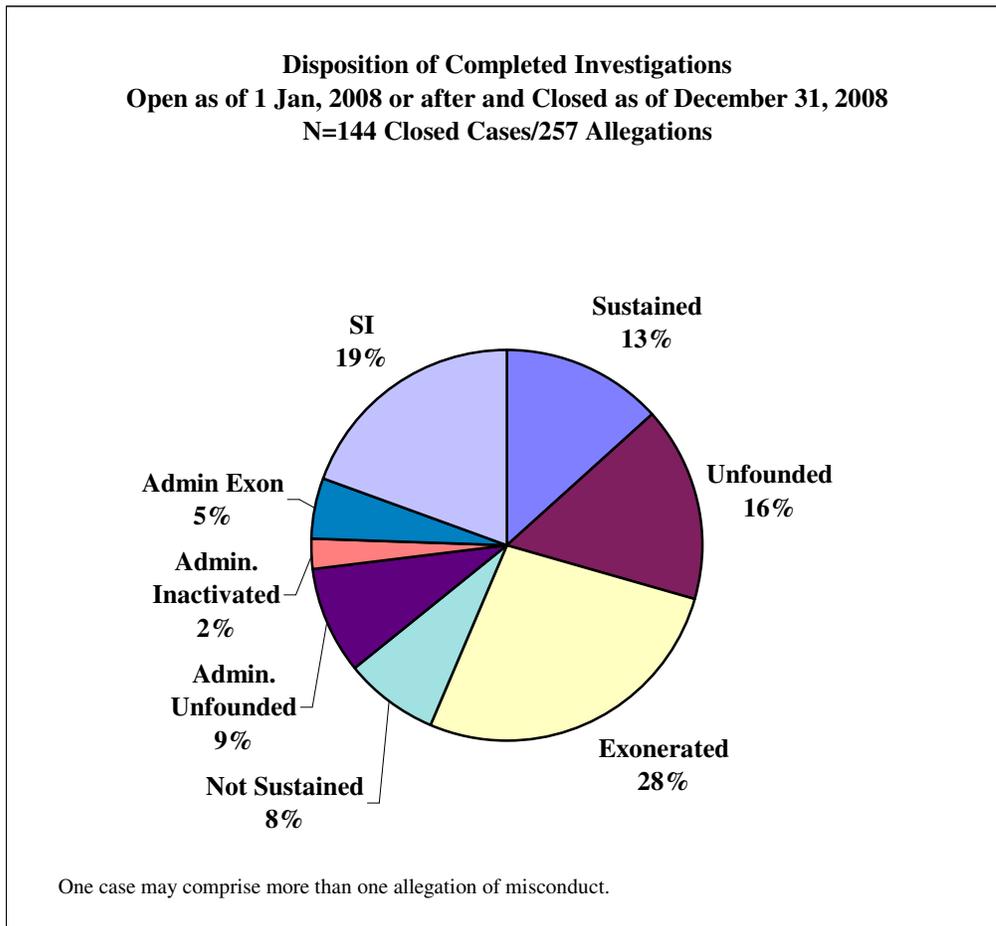
**“Supervisory Intervention”** means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate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

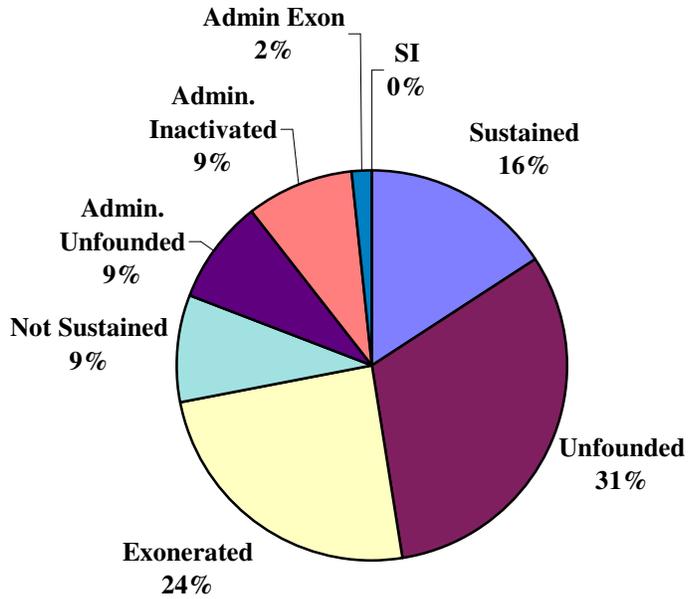
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included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

Cases Opened (2008/2009 by Month Comparison)

Date	PIR		SR		LI		IS		TOTAL	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
1/1-2/15	38	18	9	3	1	1	16	15	64	37
2/16-3/15	24		8		2		12		46	
3/16-4/15	30		4		0		9		43	
4/16-5/15	26		4		2		15		47	
5/16-6/15	23		2		1		12		38	
6/16-7/15	17		2		3		14		36	
7/16-8/15	27		9		3		25		64	
8/16-9/15	19		7		2		16		44	
9/16-10/15	23		11		2		14		50	
10/16-11/15	20		6		1		11		38	
11/16-12/15	23		6		2		9		40	
12/16-12/31	8		3		0		5		16	
Totals	278	18	71	3	20	1	158	15	527	37



**Disposition of Completed Investigations**  
**Open as of 1 Jan 2009 or after and closed as of 15 February 2009**  
**N=34 Closed Cases/57 Allegations**



One case may comprise more than one allegation of misconduct.