

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

**Commendations:**

Commendations Received in July: 6

Commendations Received to Date: 96

<b>Barnes, Jeffrey Mitchell, Jeffrey Rand, Byron Thomas, Brian</b>	Multiple stolen vehicles equipped with silent alarms were tracked and recovered within minutes of activation of the alarms. Officers were commended for their quick responses. Following audio and visual cues, they located the cars. Vehicles were released to the owners.
<b>Garner, James</b>	Officer Garner received a letter of commendation for his assistance in directing traffic on a "blocking vehicle call." His attitude and ability to stay on the scene to direct traffic away from the stranded vehicle helped lessen the stress for the victims of this unfortunate incident.
<b>Maxwell, Randy</b>	Officer Maxwell received a commendation for his commitment to keep the neighborhoods in the Northeast section of the City safe by investigating specific areas of concern and explaining to the community current issues taking place in the area. He also shared crime prevention techniques with the community which have had a positive impact on criminal activity

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

## July 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>The complainant alleged that the named employees detained him and another subject without cause, used profanity, and made a derogatory comment during the contact.</p> <p>Additionally, a named sergeant allegedly screened his own arrest/detention of the subjects at the scene in violation of Department policy.</p>	<p>By all accounts the force used in this incident was minimal. Although the incident was not properly screened in the field at the time of the detention, a Use of Force packet was completed, reviewed, and screened. Finding Force—EXONERATED.</p> <p>The comments attributed to the officers do not appear credible. Finding Profanity &amp; Language—UNFOUNDED.</p> <p>Two other West Precinct sergeants reviewed the incident within an hour of the event. Action was taken to ensure this incident was properly documented with both an SPD incident report and a Use of Force packet. Taking into account the named sergeant's role and explanation, it would have been <i>prudent</i> to check on the availability of another sergeant and request an expedited response due to the circumstances the officers were encountering on the street. Finding—SUPERVISORY INTERVENTION.</p>
<p>It is alleged that the named employee accessed a prohibited Internet website in violation of Department policy</p>	<p>There is no evidence that the named employee intentionally violated Department policy as alleged. The employee explained that unexpected pop-ups would occur and reported this to a computer technician, who determined that a virus caused the pop-ups and corrective measures were implemented. Finding—ADMINISTRATIVELY UNFOUNDED.</p>
<p>Complainant, the girlfriend of the named officer, alleged that the named officer assaulted her.</p>	<p>The available evidence against the named officer is the single statement made by the complainant to another law enforcement agency that the named officer, while off-duty, grabbed her by the shoulders and pushed her against a wall – which she later recants and refuses to give a statement</p>

	to OPA-IS or cooperate with the prosecutor's office. Finding—ADMINISTRATIVELY UNFOUNDED.
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## STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
Complainant alleged that at the time of his arrest for assault, he possessed a lighter valued at \$135.00, a claim, which the named officer verifies. Upon being released from the King County Jail, complainant confirmed the lighter was missing.	A preponderance of the evidence establishes that the named officer is the last officer to have seen the missing lighter – and he forthrightly acknowledges having seen the lighter – when he placed it into an unsealed property bag. The lighter was not in the complainant's property bag at the time of booking, which was not properly sealed for transport to the jail. Finding—SUPERVISORY INTERVENTION.

## STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>The complainant alleged that in the course of trying to report to 911 a suspected DUI driver he was following, that the two named patrol officers, whom he encountered on the street in the course of following the suspected DUI driver, failed to respond to his request for them to arrest the suspected DUI driver.</p> <p>The complainant also alleged that the named Communications sergeant used profanity while talking on the phone with him.</p>	<p>The named officers documented on the CAD their encounter with the complainant and later, upon learning of the background of the complainant's concern about the suspected DUI driver, dutifully returned to the area, where they had encountered the complainant and unsuccessfully attempted to locate him and the suspected DUI driver. Finding—EXONERATED.</p> <p>Based upon the specific facts of this incident and the good faith belief of the Communications sergeant that his minimal, uncustomary utterance of a single profanity was the lesser of two evils – i.e., temporarily offending the complainant versus possibly defusing a potential road-rage incident. Finding—EXONERATED.</p>
Complainant alleged that the named PEO was rude to both her and the driver and that the PEO wrote comments on the parking citation, attributed to both the complainant and the driver, which they deny making.	Based upon a preponderance of the evidence, this case demonstrates that more likely than not the named PEO did not act in an unprofessional manner, as alleged, nor did he inaccurately document the incident on the parking infraction form based on conflicting statements from the complainant and witness. Finding—UNFOUNDED.

## UNNECESSARY FORCE

Synopsis	Action Taken
Subject alleged the named employees used excessive force and caused injuries when they attempted to subdue and arrest him for auto theft as he and a passenger fled from the employees in a stolen car.	The evidence clearly demonstrates that the force used was necessary and reasonable under the circumstances and that the named employees properly documented their actions. Finding—EXONERATED.
Complainant alleged the named employees, when she walked up to them while they were investigating an incident in which a driver, who had fled from the employees, and abandoned his car in the complainant's driveway, for no reason, grabbed her by the arms and that one of them pushed her down on the hood of a car, causing injury.	The evidence demonstrated that the named employees were lawfully upon the complainant's property investigating a crime when the complainant, despite repeated orders from the named officers to move away from the scene, repeatedly interfered with their investigative efforts. They used multiple and clear verbal commands, which the complainant ignored, before taking hold of the complainant's arms to escort her away from the scene. The complainant, on her own and without assistance from the named officers, threw herself against the car, causing minor injuries. Finding—UNFOUNDED.
Complainant alleged that named employees, while arresting him for armed robbery and unlawfully possessing a handgun, punched him in the face, body, and leg, causing minor injury to his shoulder and threatened to beat him if he did not provide a statement related to the armed robbery.	The evidence demonstrates that the named employees were dispatched to a call of a disturbance/armed robbery, arrested the complainant who was armed with a handgun at the time, and used reasonable and necessary physical force to affect the arrest. Additionally, the evidence demonstrates that the named officers advised complainant of his Miranda rights and that complainant voluntarily provided a written statement to the named officers. Finding Force—EXONERATED & Courtesy—UNFOUNDED.
Complainant alleged that named employees, while removing her from a car in which she was sleeping, pointed a gun at her head and threw her to the ground, causing pain to her hands and knees.	The evidence demonstrated that the named employees acted reasonably and lawfully, and did not use other than minimal force (touching) on the complainant. Finding—UNFOUNDED.

<p>Complainant alleged that named employees, while arresting her for exposing herself in a park, handcuffed her, threw her against a police car, used profanity, and kicked her in the back of the leg causing pain.</p>	<p>The evidence demonstrates the named employees acted reasonably and lawfully, and did not use other than de minimus force (touching) on the complainant. No evidence supports the allegation that profanity was used by one of the named employees. Finding Force &amp; Profanity—UNFOUNDED.</p>
<p>Complainant alleged that the named employees, for no reason, grabbed his arms to escort him from a bar and pushed him up against a brick wall while temporarily detaining him as they checked his status for warrants.</p> <p>The complainant further alleged when the employees pushed him against the wall, the force tore the \$175.00 shirt he was wearing.</p>	<p>The named employees were conducting a premise check when the complainant, who was intoxicated, made a threatening motion by raising a beer bottle over his head as the employees walked past him. The complainant was then escorted outside the establishment to verify his identity. Complainant's allegation that named officers used substantially more force upon him than they stated is not supported by third-party witnesses or proof of injury. Third-party witnesses stated the actions of the named employees were reasonable and necessary under the circumstances. Finding—EXONERATED.</p>

### July Cases Mediated:

Complaint was against a Parking Enforcement Officer. The complainant alleged the employee was rude, refused to answer questions and ultimately wrote an unnecessary citation.

Complainant was the victim of an auto theft. The complainant's vehicle was recovered, but she claimed that youth of color are being targeted for behavior based upon geographical location and solely on 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.

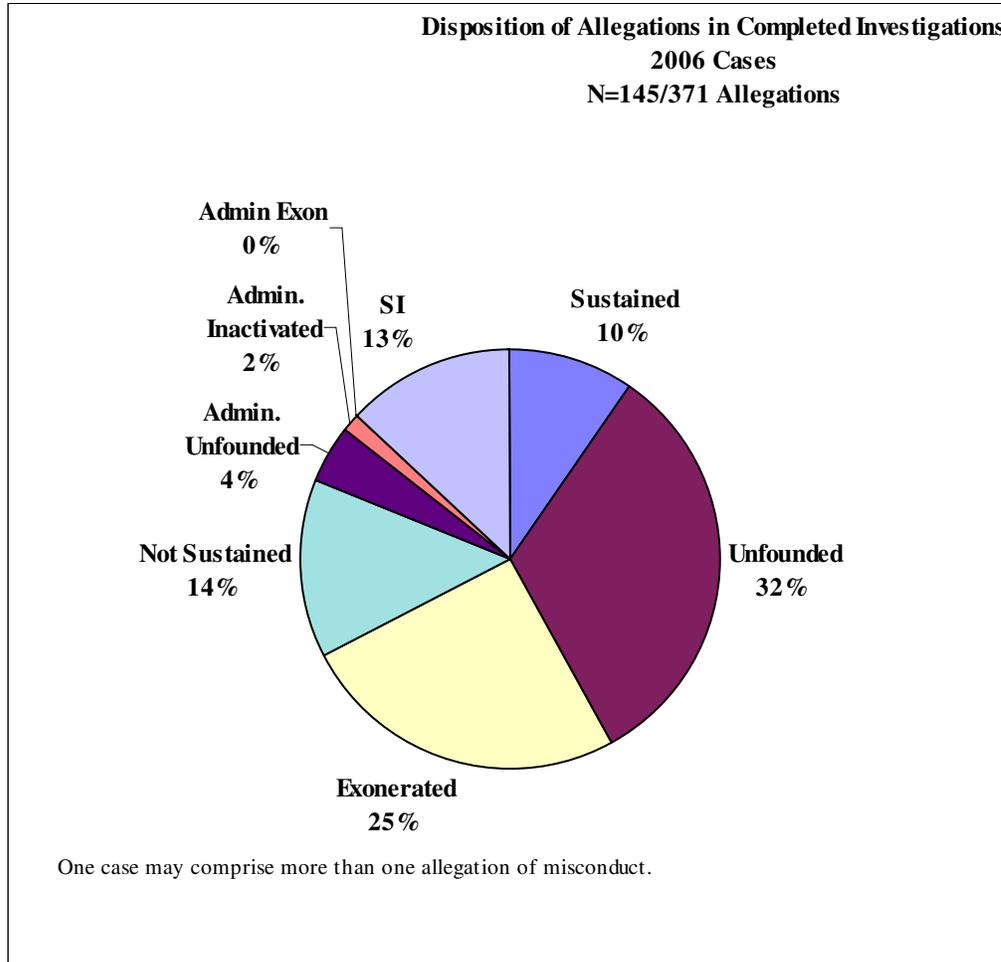
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

### 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)	145*
Commendations	397

\*includes 2006 cases closed in 2007



2007 Contacts	July 2007	Jan-July 2007
Preliminary Investigation Reports	49	213
Cases Assigned for Supervisory Review	14	61
Cases Assigned for Investigation (IS;LI)	24	99
Commendations	6	96