

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

**Commendations:**

Commendations Received in May: 5

Commendations Received to Date: 68

<b>Abraham, John</b>	Officer Abraham received a letter of appreciation for his service as a Metro Police Agent for the King County Metro Transit Police.
<b>Burns, Thomas J.</b>	Officer Burns received a commendation for his positive impact on reducing criminal activity and promoting community relations in the Belltown Neighborhood.
<b>McNew, Steven A.</b>	Officer McNew received a letter of commendation from a community member for the positive manner in which he represents his department, on and off duty.
<b>Sexton, Tabitha J.</b>	Officer Sexton received a letter of commendation from a community member who went on a ride-along with her. The rider felt that seeing police work from the perspective of an officer was a valuable and enlightening experience.
<b>Smith, John David</b>	Officer Smith received a letter of commendation for his professionalism and peaceful manner when resolving a harassment problem for a citizen.

**May 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: LAWS/POLICY/PROCEDURES**

Synopsis	Action Taken
Complainant alleged named officers searched his apartment absent a search warrant, or exception to the search warrant requirement, for property reportedly stolen by complainant from complainant's employer.	EXONERATED: Evidence established named officers reasonably relied upon information provided to them by the burglary victim when they entered complainant's apartment. When they quickly recognized, upon obtaining further information, that they lacked authority to be in the apartment, they immediately exited. They acted in good faith and corrected their mistake immediately upon recognizing it.

**STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES**

Synopsis	Action Taken
Complainant alleged named officers refused to complete a report for a collision in which she told them she was a pedestrian and a vehicle struck her.	<b>SUPERVISORY INTERVENTION:</b> Evidence established named officers did respond and investigate the alleged collision but, finding no apparent damage or injury, concluded no collision had actually occurred. Even though named officers found no evidence of a collision, complainant demanded a report be completed. Supervisor of named officers noted the importance of completing reports to document potentially contentious issues.
These two cases involved same named officer but two separate incidents of misconduct. Cases previously under appeal to DRB. Complainant alleged named officer was absent from duty without justification and gave untruthful explanations of his absence when questioned about it. Complaint also alleged involvement in a DUI and hit and run incident.	DRB Findings: Insufficient evidence to establish named officer was absent from duty without justification and that he lied by providing untruthful explanations to cover his absence.  SUSTAINED finding and termination for off-duty DUI and hit and run accident upheld.
Complainant alleged named officer, absent justification, stopped her and her husband when named officer overheard the husband talking loudly on a phone in a public place about a violent crime. Complainant explained that he was only joking with a friend. Complainant also alleged named officer used profanity and refused to identify himself.	Profanity – SUPERVISORY INTERVENTION Courtesy – SUPERVISORY INTERVENTION Duty to Identify – UNFOUNDED: Named officer overheard complainant's husband talking loudly in a store parking lot about assaulting and robbing someone and momentarily detained complainant to resolve his suspicion about apparent imminent criminal activity. Complainant verbally interjected herself and named officer admits using course language to "shock" complainant into calming down. Evidence demonstrated named officer clearly identified himself to complainant. Note: named officer's captain agreed to follow up with complainant.
Anonymous complainant alleged named employee was operating a safety consulting business, without a secondary work permit for such an activity, and in possible conflict with department policy.	<b>ADMINISTRATIVELY UNFOUNDED:</b> Evidence demonstrated named employee's business does not involve a service that would be provided by the department or be regulated by department policy. Whether department policy required named employee to have a secondary work permit for this work was unclear, therefore, the policy is being reviewed.

**STANDARDS OF CONDUCT: HONESTY**

Synopsis	Action Taken
Named officer, while undergoing testing as a lateral police officer for a neighboring jurisdiction, revealed during the testing process information demonstrating past dishonesty as a Seattle Police officer.	SUSTAINED: Evidence established named officer had been dishonest while a Seattle Police officer. Named officer has been terminated from employment.

**VIOLATION OF LAW**

Synopsis	Action Taken
Complainant alleged named employee, who was associated with complainant's business and had had access to funds belonging to the business (business unrelated to named employee's employment), misappropriated funds for personal use.	ADMINISTRATIVELY UNFOUNDED: Criminal investigation, and review by prosecutor, determined any alleged misconduct was likely a "misguided attempt to raise money for the (business)" and complicated by a lack of business experience and poor record keeping by complainant and named employee. Investigation found insufficient evidence to support a criminal charge. Evidence also found that named employee may also have actually contributed some of her own money to the benefit of the business.

**UNNECESSARY FORCE**

Synopsis	Action Taken
Complainant alleged named officers, when arresting him for illegally selling drugs in Victor Steinbrueck Park, used unnecessary force on him and singled him out for arrest based upon his race.	Biased Policing – UNFOUNDED Unnecessary Use of Force – EXONERATED Evidence demonstrated named officers observed complainant dealing drugs, including selling drugs to an undercover officer, and used reasonable and necessary force to control complainant. Evidence demonstrated named officers arrested complainant not because of his race but because of his criminal conduct.

**EVIDENCE & PROPERTY**

Synopsis	Action Taken
During an unrelated OPA investigation, it came to light named officer may not have had a secondary employment permit authorizing his employment at the place where the unrelated incident occurred.	SUPERVISORY INTERVENTION: Evidence established that, while named officer may have had valid secondary employment permits for other jobs he was working, he did not have one for this specific job.
Complainant alleged named officer, while processing complainant after arresting him, misplaced complainant's cell phone.	SUPERVIORY INTERVENTION: Named officer forthrightly admitted that in the course of processing complainant after arresting him he forgot to retrieve complainant's cell phone from the roof of his patrol car when driving away from the scene. Named officer made several unsuccessful efforts to locate the missing phone.

**EVIDENCE & PROPERTY**

Synopsis	Action Taken
Complainant, whom named officer had arrested for armed robbery, alleged, because of differing amounts of money named officer entered in different "fields" of an electronic report he completed, that named officer mishandled the evidence seized.	UNFOUNDED: Evidence demonstrated the difference in the amount of money listed (\$18 v. \$80) in two different areas of a 77-page electronic report likely occurred when named officer pushed the wrong selection from a drop-down menu when completing the report.

**Mediation:**

No mediations were conducted in June.

## 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	14	8	6	2	2	12	8	46	30
3/16-4/15	30	16	4	3	0	6	9	15	43	40
4/16-5/15	26	15	4	6	2	5	15	12	47	38
5/16-6/15	23	20	2	10	1	3	12	9	38	42
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	83	71	28	20	17	158	59	527	187



