

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

Commendations:

Commendations Received in March: 16

Commendations Received to Date: 36

Crumb, John Little, Robert Madison, Peter	A reported stolen laptop equipped with a silent alarm was tracked by following audio and visual cues. The named employees recovered the stolen property and were all commended for their efforts.
Edwards, Lynne	Parking Enforcement Officer Lynne Edwards received an e-mail of appreciation for her help when a car stalled in an awkward place. She was also very helpful when she put out a traffic cone and left a "do-not-cite" note on the car's window while the owner went for gas and a jump.
Freese, Michael	Officer Michael Freese received a note of thanks for his concern and kindness for escorting two missing persons home safely.
Grossman, Kevin	Detective Kevin Grossman, who did the negotiating during a 4-hour crisis, received a letter of thanks.
James, Mark	Officer Mark James received a commendation for his quick response and for being professional, polite and attentive. Officer James turned around an "awful" experience (damage to car) into a "bearable" one, his actions were very impressive, and he represents his Precinct very well.
Harrington, David	Officer David Harrington received an e-mail of thanks for his helpfulness and friendly manner in helping a citizen who was involved in a minor traffic accident.
Johnson, Azrielle Ruby, Paul Rusness, Roger	E-mail was received by the named employees for their pleasant and helpful manner. The Officers responded to a breaking and entering call in less than 5 minutes, checked the windows and outside entrances and made sure everything was alright. The experience was a good one that turned around the perception of the homeowner concerning the Seattle Police Department.
Strong, Kipp	Officer Kipp Strong received e-mail for the lasting impression left with the "Street Law" students at a local high school. Officer Strong conducted himself in a highly professional manner that reflected proudly on the Seattle Police Department.

Testerman, Travis	Officer Travis Testerman received a commendation for helping maintain a high level of service to citizens in a neighborhood that included a suspected drug house.
Ventoza, Linda	Parking Enforcement Officer Linda Ventoza received an e-mail of thanks for her help, kindness and caring manner when a citizen in a car was lost. She had the citizen follow her to get the citizen to the correct location.
Zech, Noah	A reported stolen vehicle equipped with a silent alarm was tracked by following audio and visual cues. Officer Noah Zech received a commendation for the recovery of the vehicle.
Jones, Stephanie	Parking Enforcement Officer Stephanie Jones received a note of thanks for responding to a request for help in recovering a purse that was left behind at a restaurant.

March 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 (Administrative Case)

Synopsis	Action Taken
It was alleged that the named employee made comments to his ex-wife that were considered to be threatening in nature. During the investigation, an additional allegation was made that the named employee had struck the complainant in 2003.	The investigation determined the available evidence failed to establish a claim of misconduct. Independent interviews of the witnesses resulted in different versions and the allegation could not be substantiated. Finding—Violation of Law—Threats—UNFOUNDED The alleged incident occurred over five years ago and there were no independent witnesses available. The recollection of the event differed. The allegation could neither be proved nor disproved by a preponderance of the evidence. Finding—Violation of Law—Assault—NOT SUSTAINED

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
The complainant stated that the named employee had destroyed personal property when advising that the complainant was trespassing at a transient camp.	The complainant was against an “unknown employee” and the complainant could not provide any information that could assist in identifying the employee. The investigation revealed inconsistencies in the complainant’s testimony that precluded the ability to either prove or disprove the allegations. Finding—NOT SUSTAINED

<p>The allegation states that the named employee retaliated against the complainant after she was involved in a minor traffic collision with the employee's patrol vehicle.</p>	<p>The investigation did not support the allegations. The complainant continually failed to take responsibility for her actions and could not provide any factual support for her allegations. Finding—EXONERATED</p>
<p>The complaint alleged that the named employees, when asked, failed to assist a citizen in obtaining identifying information from the driver of a second vehicle involved in a traffic accident.</p>	<p>The investigation determined that the employees could have been more helpful in responding to the citizens concerns. While the employees believed that no exchange of information was necessary (they believed no damage had occurred) the assistance would have precluded the complaint and benefited the requesting party. It was determined that there was no willful misconduct, but that the employees could benefit from further discussion and training. Finding—SUPERVISORY INTERVENTION</p>
<p>The complaint alleged that the employee was discourteous and used offensive language during a contact for a parking violation.</p>	<p>The investigation was not able to determine if the comments were made as alleged. The complainant and the employee versions were different and no evidence could be found to support either version. Finding—NOT SUSTAINED</p>
<p>The complaint alleged that the named employee failed to take appropriate action when the complainant attempted to report an assault and ultimately failed to produce a report.</p>	<p>The investigation determined that the named employee did attempt to resolve the complainant's needs, but just not in the priority the complainant believed she deserved. The employee was dealing with a higher priority disturbance and he did offer to handle the complainant's concerns after that situation had abated. It was also determined that there were inconsistencies in the complainant's statement giving further credibility to the employee's version of the events. CAD records also support the employee's version of the events. Finding—Professionalism—EXONERATED Finding—Completion of Reports—EXONERATED</p>

UNNECESSARY FORCE

Synopsis	Action Taken
The complaint states that the named employees used excessive force when he was thrown to the ground while being arrested.	It was determined that the complainant was highly intoxicated and aggressive at the time of his arrest. He ignored multiple instructions and violently resisted when the employees attempted to take him into custody. One of the named employees was found not to be involved. Finding—UNFOUNDED The two employees that did engage the complainant were found to have acted in a reasonable manner and that the force used was appropriate. Finding—EXONERATED
The complainant stated that the named employees used excessive force while arresting him in the course of a narcotics investigation. The complainant alleges that he was knocked unconscious and suffered head injuries.	The investigation determined that the employees believed the complainant was going to attack. An additional patrol vehicle arrived on the scene as the incident was starting to unfold and the complainant ran, resulting in a foot pursuit. The pursuit was in a heavily trafficked area and the officers were concerned for the safety of all involved. The complainant was subsequently tased and his fall did result in a head injury. That said, it still took five officers to subdue the combative complainant. Based on the totality of the circumstances, the force used was determined to be necessary and reasonable. Finding—EXONERATED
The complainant alleged that the named employees used unnecessary force while detaining him as a possible subject in a car prowl.	The employees contacted the complainant while responding to an in-progress car prowl call. The complainant was uncooperative and hostile as corroborated by a neutral observer. The officer's use of force was determined to be reasonable and appropriate. Finding—EXONERATED
The complaint states that during a traffic incident following a sporting event, there was a misunderstanding that resulted in the employee's striking the subject in the head with a flashlight.	The investigation determined that the subject was placing a large crowd in immediate danger due to his failure to follow the employee's traffic instructions. The subject was in fact arrested for reckless driving and failure to obey the employee's instructions. The employee felt he had no other recourse but to take immediate action. Based upon the preponderance of the evidence, the employee's actions were determined to be within policy. Finding—EXONERATED
It was alleged that an employee, while off duty, followed the complainant's vehicle that was being driven at a high rate of speed and in a reckless manner. It was also alleged that responding officers used excessive force when taking the driver into custody.	The investigation determined that the force used by all employees was reasonable and necessary as the driver was non-compliant and resisted all efforts to restrain him. Finding—Force—EXONERATED While it was determined that the initial employee had acted in good faith, he unnecessarily place himself in a potentially dangerous situation. It was determined that follow up with a supervisor would be the best resolution for this incident. Finding—Professionalism—Discretion—SUPERVISORY INTERVENTION With no corroborating or contradictory testimony on the issue of the initial employee operating his privately owned vehicle in violation of policy, there is no preponderance of evidence. Finding—Vehicle Pursuit Policy—NOT SUSTAINED

March Cases Mediated:

- Complainant stated that the employee was discourteous, dismissive and disrespectful in manner and tone.
- Complaint advised that the named employee was discourteous when he stopped her and advised "Don't apologize to me, it won't do you any good."
- The complainant alleges that the named employee issued a citation for expired tags on a disabled veteran plate that did not require annual renewal.

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		10		1		12		60	
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

