

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

**Commendations:**

Commendations Received in March: 9

Commendations Received to Date: 36

<b><i>Askew Jr, Willie Larkin, Neil</i></b>	Officer's Askew and Larkin both received a letter of commendation for their professionalism and courteousness when helping a citizen who had been in an accident. The citizen really appreciated how the officers responded quickly and took care of the accident in such a positive manner.
<b><i>Cruise, Alan Steiger, Cloyd Vallor, Robert</i></b>	Detectives Vallor, Steiger and Cruise all received a letter of commendation for their assistance and help provided to a California law enforcement agency. The assistance included follow-up interviews regarding a kidnapping and murder that occurred in California.
<b><i>Oliver, Daniel</i></b>	Captain Oliver received a letter of commendation for the proactive approach he has taken while working with the National Insurance Crime Bureau focusing on vehicle theft and insurance fraud.
<b><i>Crumb, John</i></b>	Detective Crumb received a letter of commendation complimenting him for his investigative skills in the successful recovery of a stolen computer.
<b><i>James, Brandon</i></b>	Detective James successfully passed the Undercover and Sensitive Operations Unit course with the FBI, a course which only about 60% pass.
<b><i>Martin, Marcus</i></b>	Officer Martin received a letter of commendation for heroic actions. He went above and beyond the call of duty preventing injury or death to residents of an apartment complex that was engulfed in fire. Officer Martin located the fire alarm, activated it, and then knocked on doors to make sure all the occupants (nearly all were non-English speaking) were evacuated.

## March 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 allegation stated that an employee left a disparaging note on the complainant's windshield with a parking citation.	There was no evidence other than the complainant's belief that an employee left the note. The note was unsuccessfully examined for latent prints. No additional steps were apparent and further investigation was not warranted. Finding—ADMINISTRATIVELY UNFOUNDED
The complainant states that an employee threw his flashlight at her car which caused damage while working a traffic post and that employees were rude in a subsequent telephone conversation.	The investigation determined that the employee states he lost his grip on the flashlight while attempting to stop the driver from driving in a restricted area causing risk to pedestrians and other vehicles. The driver believes that the flashlight was intentionally thrown. The investigation could not resolve this issue of fact. Finding—NOT SUSTAINED  In a phone conversation after the incident, employees attempted to explain the incident, but with significantly different perspectives, consensus could not be reached. The evidence did not support any allegation of rudeness. Finding-- UNFOUNDED
The complaint states that the named employees had attempted to provoke the complainant into an altercation and inappropriately watched him as he showered.	The evidence demonstrated that the employees acted reasonably, lawfully and courteously when arresting the complainant for a strong-arm robbery. The allegations of misconduct simply did not occur. Finding--UNFOUNDED
The complaint alleges that the employee used inappropriate profanity during a contact.	The evidence could neither prove nor disprove that the alleged language was used. Finding—NOT SUSTAINED
08-0416 The complainant believed that her vehicle was being singled out for selective enforcement.	No evidence was developed to support the allegation. All enforcement activity had been in direct response to complaints about the complainant's vehicle. Finding-UNFOUNDED
The complaint alleges that after being given performance expectations counseling, the named employee failed to perform as expected and required which constituted insubordination.	The evidence established that the named employee did not follow clear, detailed, and formal instructions from her supervisor. Finding—Insubordination—SUSTAINED

### POLICY/PROCEDURES

The complainant alleged that the employee had inappropriately touched him under the guise of searching for narcotics.	The evidence demonstrated that the misconduct alleged simply did not occur. The complainant's version of the incident was inconsistent and lacked any foundation. Finding—ADMINISTRATIVELY UNFOUNDED
The complaint states that the named employee unlawfully entered the complainant's residence and conducted a search without a warrant. Further, cash was allegedly seized that was not included in the inventory.	The evidence established that the search of the complainant's residence, vehicle and storage area was all based on a legal search warrant. Further, all funds were accounted for on the inventory indicating that the allegations did not occur as alleged. Finding—ADMINISTRATIVELY UNFOUNDED
The allegation stated that an employee was not completing a full duty shift.	It was determined that the unit lacked appropriate internal controls to determine adequately the timekeeping requirements for personnel. (New procedures have been implemented to resolve the problem noted.) The evidence could neither prove nor disprove that there was an abuse of time off. Finding—NOT SUSTAINED

### UNNECESSARY FORCE

Synopsis	Action Taken
The complaint stated that employees responding to a fight had punched an unknown individual and threatened to use pepper spray without justification.	The evidence demonstrated both of the named employees acted reasonably and appropriately in responding to a disturbance that involved a hostile and agitated crowd in excess of 200 people. A threat to officer safety and the safety of others necessitated the employee's actions. Finding—EXONERATED
The complainant alleged that multiple employees has acted inappropriately as she attempted to interject herself in a subjects arrest. She stated that the employees had used force and that the treatment was based on her race. She also alleged that an unknown communications employee had failed to assist her in the filing of the complaint.	<p>The investigation determined that there was a legal basis for both the original arrest and the detention of the complainant and that the only evidence of racial bias was the unsubstantiated assertions of the complainant. Finding—Unbiased Policing—UNFOUNDED</p> <p>The evidence concerning the failure to assist in the filing of the complaint revealed that the complainant did make a call to the communications section, but could not establish whose actions may have resulted in the complainant not receiving a return phone call. Finding—NOT SUSTAINED</p> <p>The evidence further established that the complainant was interfering with the legal arrest of a subject and that minimal and appropriate force was used to restrain the complainant from further interference. Finding—EXONERATED</p>
The complainant stated that she had been robbed at knifepoint by her son, but alleged that the employees had used unnecessary force when attempting to take him into custody.	The evidence determined that the employees had acted reasonably and used only minimal, necessary and non-reportable force to take custody of a subject resisting their efforts. Finding--EXONERATED

<p>The complainant advised that the named employee was discourteous and used force with no justification.</p>	<p>The investigation determined that the complainant did not like the employee's "attitude" but no evidence could be developed that would indicate any misconduct. Finding—Courtesy—UNFOUNDED</p> <p>The evidence also supported that the force used when the complainant thrust his hand at the employee was reasonable, necessary, minimal and non-reportable. Finding--EXONERATED</p>
<p>The complaint alleged that the named employees, without justification, placed pressure on the back of the subjects neck after being handcuffed, kicked the subject violently as he was being placed in the patrol car and placed a "mesh bag over the man's head.</p>	<p>The investigation determined that the named employees did not use force of any kind as alleged and that only minimal and non-reportable force was used to control, handcuff and place a "spit sock" over the subject's head. Finding—EXONERATED</p>
<p>The complainant, the mother of the subject, alleged that employees had used excessive force on the subject while he was in custody.</p>	<p>The evidence demonstrated that the named employee acted out of necessity and in a reasonable manner toward a subject who had aggressively resisted efforts to restrain him. The force was deemed to be necessary and reasonable. Finding—ADMINISTRATIVELY EXONERATED</p>
<p>The complainant stated that his wrists had been injured by employees while handcuffing him at the time of his arrest.</p>	<p>There was no evidence that the employees' actions caused any injury or constituted misconduct. The actions were minimal, necessary and reasonable to control the subject at the time of his arrest. Finding—ADMINISTRATIVELY UNFOUNDED</p>
<p>08-0520 The complainant alleges that employees dragged her son into any alley, choked him and punched him in the back of the head.</p>	<p>The complainant and subject failed to cooperate with the investigation and no record was found of any contact between the subject and SDP personnel. There was insufficient evidence to identify any employee(s) or whether an incident had occurred. Finding—ADMINISTRATIVELY INACTIVATED</p>
<p>The complaint states that the complainant was being ejected from a sporting event and that the named employees used excessive force and profane language. Further, it was alleged that the employees refused to identify themselves when asked.</p>	<p>The evidence established that the named officers acted reasonably and with restraint throughout their encounter with the complainant and that the complainant's, by his intoxication, uncooperativeness, and belligerence created the circumstances. It was further established that the employees provided their identification information in writing when requested. Finding—Failure to Identify—UNFOUNDED</p> <p>Use of Force—EXONERATED</p> <p>Profanity—UNFOUNDED</p>
<p>The complainant alleged that while arresting him, handcuffs were placed on him too tightly and then pulled on causing numbness, swelling, and pain to his wrists.</p>	<p>While the contact and the arrest were legally justified, medical records noting the impressions on the complainant's wrists may support that the handcuffs were too tight. However, the complainant never complained to the employees on the tightness and the evidence did not support that the employees acted intentionally in a manner to inflict pain on the complainant. Finding—NOT SUSTAINED</p>

The complainant observed what she believed to be an officer grabbing a pedestrian by the arm with too much force.	The evidence, including the absence of a complaint from the person the named officer grabbed, and the mere opinion of the complainant based on limited observation did not support the allegation. Finding—EXONERATED
The complainant was being stopped for a pedestrian violation and alleges the named employee used excessive force during the contact.	The evidence supported that it was the complainant's friend who knocked the complainant and a witness officer to the ground by tackling them from the rear. The evidence indicated that the incident did not occur as alleged. Finding—UNFOUNDED

### March 2009 Cases Mediated:

Complainant advised that the employee was very mad and was yelling and pointing her finger at her as if she was scolding a child.

Complainant states that the employee was discourteous and aggressive.

### 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.

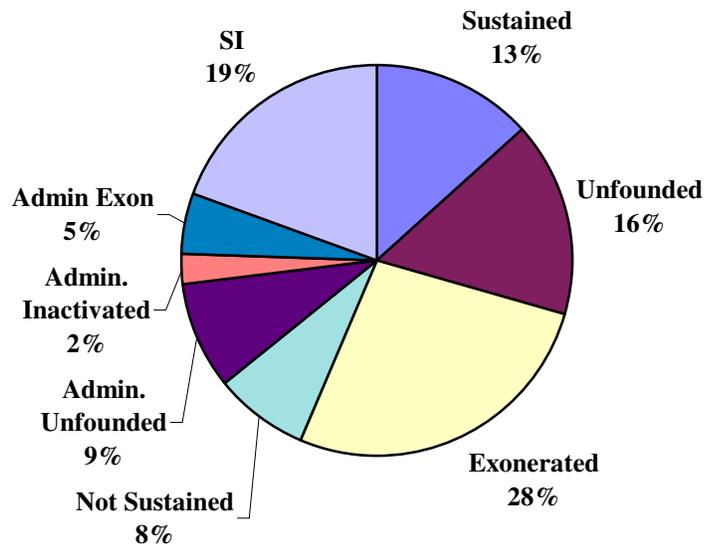
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of

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	12	43	37
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	48	71	12	20	9	158	35	527	104

**Disposition of Completed Investigations**  
**Open as of 1 Jan, 2008 or after and Closed as of December 31, 2008**  
**N=144 Closed Cases/257 Allegations**



One case may comprise more than one allegation of misconduct.

