

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

**Commendations:**

Commendations Received in November: 15

Commendations Received to Date: 265

<b><i>Bernstein, Alan Monson, Clay</i></b>	Lieutenant Monson and Sergeant Bernstein received a letter of commendation from the Fremont Chamber of Commerce for their preparation and assistance at the Annual Fremont Oktoberfest.
<b><i>Bonner, Christie-Lynne</i></b>	Officer Bonner received a thank you letter from the Mountlake Terrace Police Department after having assisted their department during the aftermath of a recent officer involved shooting.
<b><i>Carver III, Leonard</i></b>	Officer Carver received a letter of commendation for being willing to risk his own safety to protect another.
<b><i>Diaz, Adrian Hayes Jr, John</i></b>	The Washington State Patrol appreciated the participation and contribution of Director Hayes and Officer Diaz in this year's Annual Problem Oriented Policing Conference.
<b><i>Larned, Michael</i></b>	Officer Larned received two letters of commendation (separate incidents) for his professional and compassionate manner in dealing with the situations. At both accidents, Officer Larned's calming influence was very appreciated in what were traumatic experiences for the victims.
<b><i>Lazarou, Pete</i></b>	Officer Lazarou received a letter of thanks for helping a citizen who had a drug problem. Her family and neighbors were frightened and uncertain about what to do. Officer Lazarou took care of the problem and followed through by keeping an eye on the property. Now the house is empty and is up for auction. The neighborhood is grateful for his help.
<b><i>Miller, Karim</i></b>	Mr. Miller received a letter of commendation for his assistance in seeing a video project to completion. Mr. Miller was "phenomenal;" he came on board early, put in more work than required to provide equipment and video editing expertise, and left a great impression on all.
<b><i>Moore, Brent Shelhorse, Randy</i></b>	Officers Moore and Shelhorse received a letter of thanks for their response to a neighborhood incident. The officers showed a sincere desire to make the City of Seattle a safer place. The citizen's involved in the incident feel safer knowing there are officers like Moore and Shelhorse out there patrolling their streets.

<p><b>Ritter, James</b></p>	<p>Officer Ritter received a letter of commendation for his participation in classes on “Law and Society” at Ballard High School. The students really enjoyed his role-playing demonstrating the duties and conduct police officers must live up to daily. The students came away with a better understanding of what the law is on issues that affect their everyday lives, and with a positive attitude towards the police.</p> <p>Officer Ritter received a second letter of commendation for giving a guided tour to a group of citizens at the Seattle Police Metropolitan museum. The group was very impressed with Officer Ritter who was helpful and explained issues in a way that everyone would understand.</p>
<p><b>Witmer, Donald</b></p>	<p>Officer Witmer received a letter of commendation from a father who was impressed with Officer Witmers’ response and concern for his daughter’s experience after being gawked at by a man who drove slowly by her and stopped. Officer Witmer did a follow-up on the suspect and helped the daughter prepare for how to respond to any future questionable situations.</p>

**November 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.*

**STANDARDS OF CONDUCT: PROFESSIONALISM**

Synopsis	Action Taken
<p>The complaint stated that the named employees entered her home without lawful authority, and failed to identify themselves when asked, and were rude and disrespectful during the contact.</p>	<p>The investigation determined that the employees had entered the residence without proper legal authority or consent. Finding—SUSTAINED</p> <p>The investigation also determined that the employees had identified themselves as required by policy. Finding—UNFOUNDED</p> <p>All the parties involved had different perspectives on the dialog and conversations that took place during the incident. With such divergent views on the issue, no preponderance of the evidence could be obtained. Finding—NOT SUSTAINED</p>
<p>The complaint alleged that the employee ran a criminal history check and provided the information outside the scope permitted by law.</p>	<p>The investigation determined the employee ran a relative’s name through the database and provided that relative with the information. This was an inappropriate access and dissemination of criminal history information. Finding--SUSTAINED</p>

The allegation stated that the named employee worked in an off-duty capacity but had failed to work his assigned shift on the day in question.	The investigation determined that there was no misconduct and that the employee had not missed any of his assigned shifts. Finding--UNFOUNDED
The complaint alleged that the employee used unnecessary profanity during a traffic stop.	The complainant was issued approximately \$1200 in citations during a traffic stop and other than the initial complaint, disregarded or ignored multiple attempts for contact regarding the investigation. Finding--UNFOUNDED
The complaint states that the employee failed to take a report of an assault during a peaceful protest.	The evidence established that the employee acted reasonably, prudently, and within policy in handling a 911 call. A report was not required and no misconduct occurred. Finding--EXONERATED

### STANDARDS OF CONDUCT: INTEGRITY

Synopsis	Action Taken
It was alleged that the named employee used his position to gain access to an inmate housed in a State correctional facility	The investigation determined that the employee was an authorized visitor and that no misconduct had occurred. Finding--UNFOUNDED
The complaint stated that employees left business cards or SPD hats on the dashboard in order to circumvent citations while parking in restricted areas.	This case was originally selected for mediation. During the mediation coordination, the complainant stated that he was completely satisfied that the behavior had been corrected and desired no further action. Finding--ADMINISTRATIVELY EXONERATED

### UNNECESSARY FORCE

Synopsis	Action Taken
The complaint stated that employees had used excessive force by slamming the complainant's head into the hood of a vehicle while affecting her arrest and failed to use a seatbelt to secure the complainant during transport.	The evidence did not support the complainant's allegation of excessive force. No physical evidence of excessive force and testimonial evidence was conflicting. Finding--UNFOUNDED  The investigation determined that the complainant was agitated and perceived as combative. Policy allows for transport without the use of seatbelts in such situations. Finding--EXONERATED
The complainant stated that the named employee used unnecessary force while affecting his arrest.	The investigation determined that the complainant had offered an unsupported and exaggerated version of the events in order to obtain prescription pain medicine while in custody. Finding--EXONERATED
The complainant alleges that while being detained for suspicion of selling narcotics, and employee struck him in the eye and subsequently failed to identify himself when asked.	The complainant refused to cooperate with any efforts during the investigation and available evidence did not support the allegations. The employees note that they have dealt with the complainant regularly over the past few years, but nothing about the event in question stood out to them. Finding--UNFOUNDED

The complaint stated that the employee, while responding to a 911 call, for no reason used force by twisting her arm behind her back and using a thumb lock hold to drag her out of the building.	The evidence determined that the employee used reasonable, necessary and minimal force to escort an unruly, noncompliant, emotionally upset and challenging complainant from the scene. The complainant created the disturbance and conducted herself irresponsibly during the event, all the while refusing to accept any responsibility for her actions. Finding--EXONERATED
The complaint alleges that employees were attempting to displace about 150 teenagers at a party when they used unnecessary force.	The evidence established that the officers encountered an unruly, hostile, and violent crowd and that the force used was to defend themselves and take subjects into custody. There was no evidence to indicate the officers acted inappropriately and the force used was necessary and reasonable. Finding—EXONERATED
The complainant stated that the employee, while working off-duty at a construction site, grabbed the complainant without justification as he attempted to enter a restricted access area. Further, the employee used inappropriate language after being asked to stop.	The complainant admitted to pushing the officer who then used reasonable and necessary force to prevent the complainant from pushing past to enter a construction zone. The officer's actions were all determined to be within policy. Finding—EXONERATED  The evidence was inconclusive on the language issue. Finding—NOT SUSTAINED
The allegation was that the named employees stopped the complainant for a pedestrian violation and used unnecessary force while being unprofessional.	The evidence established that the employees acted reasonably, prudently and within policy. The evidence showed the employee used de minimis force to guide the complainant away at the end of the contact. The complainant continued to stand near and verbally abuse the named employees. The evidence showed that the complainant's assertions were exaggerated and unsupported. Notably, the complainant took no responsibility for his conduct and attempted to attribute the entire encounter to the employee's misconduct. Finding—Force—EXONERATED Professionalism--UNFOUNDED
The complainant stated that the named employees used unnecessary force when she was arrested in violation of a trespass admonishment.	The evidence supported that the employees handled the complainant reasonably and gently. No evidence of misconduct was noted. Finding--EXONERATED

### November Cases Mediated:

Complaint stated that the named employee inappropriately handled the identification of a passenger in her vehicle during a traffic stop, possibly placing the complainant in a position of danger.

Complainant stated that his son and a friend (both 16 years of age) were removed by the SPD employees from a bus, searched and then left to fend for themselves.

## 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.

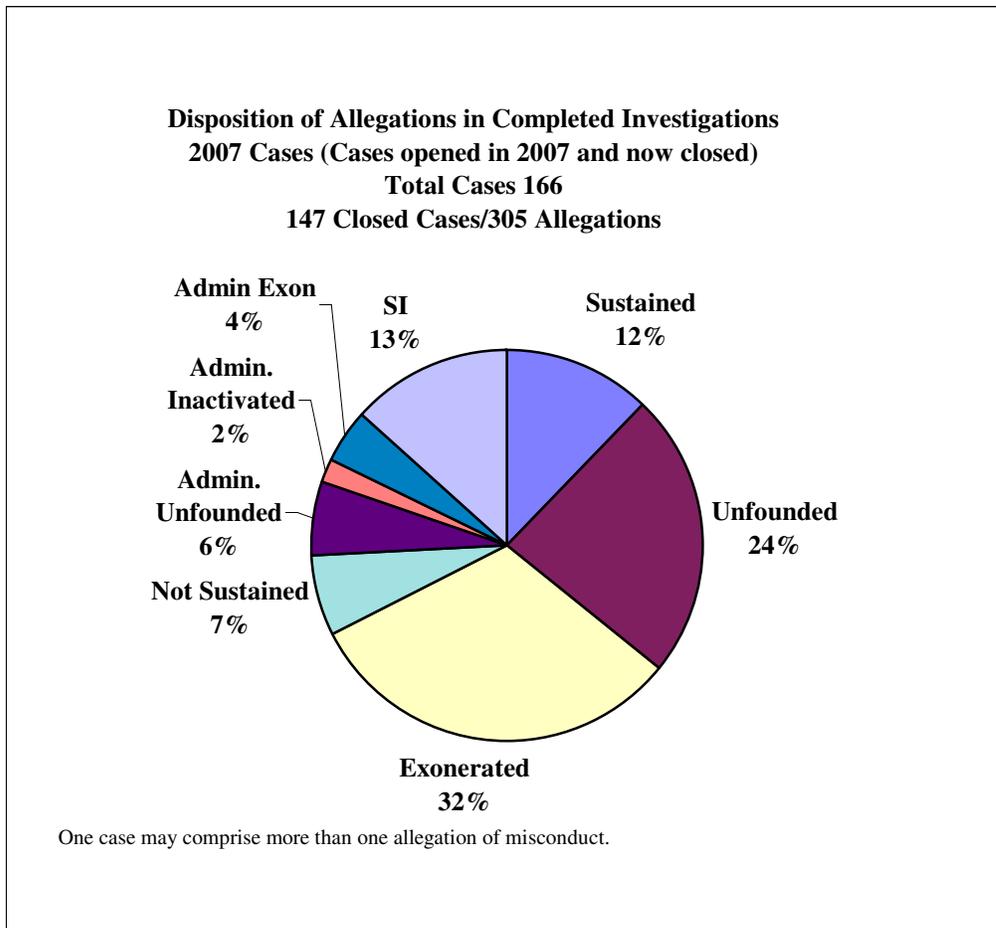
**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

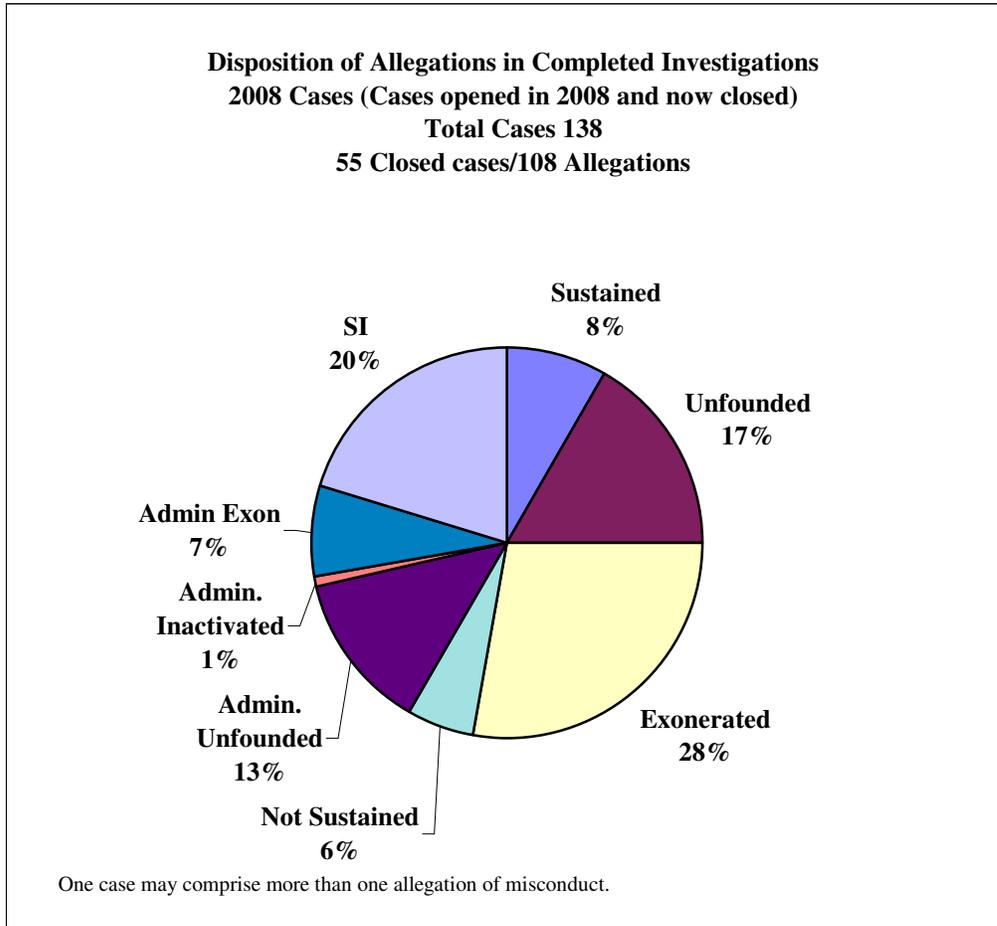
Cases Opened (2007/2008 by Month Comparison)

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	21	10	5	1	2	12	14	60	42
5/16-6/15	31	22	7	2	1	0	7	11	46	35
6/16-7/15	41	10	9	2	1	2	13	10	64	24
7/16-8/15	30	25	9	8	1	3	15	23	55	59
8/16-9/15	27	17	14	6	1	2	14	14	56	39
9/16-10/15	16	15	10	7	0	2	13	8	39	32
10/16-11/15	22	14	6	6	1	1	14	5	43	26
11/16-12/15	21	17	8	6	3	1	15	7	47	25
12/16-12/31	6		1		2		3		12	
Totals	316	220	97	63	14	17	152	123	579	423

2007 Cases Closed to Date



2008 Cases Closed to Date



Cases (2006/2007/2008) closed between 1 Jan 2008 and 15 December 2008

