

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

Commendations:

Commendations Received in October: 9

Commendations Received to Date: 87

Unnamed officers	Victim of suspicious circumstances/burglary call commends several officers who responded to her situation, especially for their effort in making her and her young daughter feel safe about re-entering their house.
Officer JD Huber	Person arrested for DUI by Officer JD Huber commends Officer Huber for his professionalism throughout the process, his thoroughness in performing his job, his helpful explanation of the process, and his assistance after the DUI processing in helping him get home.
Officer R. Vaca and Sergeant Brian Krause	Family member commends Officer Vaca and Sergeant Krause for locating her teen-age son and a friend who had wandered away from the Bumpershoot Festival on the Seattle Center grounds and were found in a nearby park, explaining to the youth the dangers of wandering off, and comforting the parents while searching for the children.
Unnamed officers	Community member commends many unnamed North Precinct patrol officers for their vigilance in addressing transients in a neighborhood park whose behavior had been scaring young children playing there.
Officer Patrick Chang	Two young people returning to their car after dinner found the parking garage locked for the night. They commend Officer Chang for his helpfulness and concern for their safety when he transported them to their home about 3 miles away.
Captain Steve Brown	Two couples from out of town who were lost happened upon West Precinct Captain Brown who assisted them with not only relocating their hotel, but also providing them with several suggested sites to see and some tips on good restaurants. The couples note, "That really made our day and reinforced the positive impression we have of your city."
Dispatcher Heidi Eren and Officer Steve Wolph	A woman who could not contact her mother and son after they had attended a Seattle Mariners baseball game commends Dispatcher Eren and Officer Wolph for their conscientious and compassionate service in not only assisting her in locating her family members but also in calming her during the stressful time.
Sergeant Ryan Long	A co-worker commends Sergeant Long for his consistently outstanding performance as a supervisor, citing especially his recent work in a federal investigation into teenage prostitution and his commitment to helping youth at risk.

Commendations:

Detective Cloyd Steiger	Victim of a significant phone harassment case commends Homicide Unit Detective Steiger for his competent and conscientious work in investigating her case, noting, "I spoke with Detective Cloyd Steiger who was immediately willing to help me. He was extremely prompt in all his responses, was extremely professional, and was a fine example of what tax money is supposed to be going toward! I am thankful our city has law enforcement officers like Detective Steiger."
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October 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, who phoned 911 to report a domestic violence disturbance between herself and her ex-boyfriend, alleged named officers failed to take appropriate enforcement action against her ex-boyfriend and allowed him to drive while intoxicated and to transport their children without required car seats.	Two named officers, Exercise of Discretion – EXONERATED Four named officers, Failure to Use In-Car Video System – EXONERATED The evidence established named officers handled the matter in a reasonable manner consistent with departmental policy and procedure and that complainant's assertions lacked supporting evidence. The evidence also established officers were in compliance with departmental policy regarding operation of the in-car video system.
Store security stopped a department officer, who was off-duty and not in uniform, for leaving the store allegedly without having paid for merchandise in his possession.	Violation of Law (shoplift)/Administrative – NOT SUSTAINED Failure to Report to Department Involvement in Criminal Process – SUSTAINED The evidence demonstrated named officer did walk out of a grocery store without having paid for merchandise and was cited by the police in that jurisdiction for theft. Named officer entered into a legal agreement with the store and the jurisdiction's prosecuting authority to resolve the matter. The evidence could not establish the criminal intent of the officer and the legal agreement to resolve the matter did not include an admission of guilt. Nevertheless, the named officer failed to notify the department of his involvement in this matter, in violation of department policy, and received a 1-day suspension without pay.

STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

Synopsis	Action Taken
Anonymous complainant alleged named officer was driving a female companion around in his patrol car to meetings with "Johns" for the purpose of engaging in prostitution.	Violation of Law (Prostitution) – ADMINISTRATIVELY UNFOUNDED The evidence, including significant investigative effort by a criminal investigative unit, established the asserted misconduct simply did not occur. Other than the anonymous assertion of misconduct, no other evidence was presented or discovered to support the claim.
Police officer in another jurisdiction stopped named officer, who was off-duty and not in uniform, for a traffic infraction and alleged named officer was rude and did not produce a driver's license when requested.	Violation of Law (traffic infraction)/Administrative – SUPERVISORY INTERVENTION Professionalism/Courtesy – SUSTAINED The evidence established the police officer had a legal basis for stopping named officer for a traffic infraction, that named officer used disrespectful and rude language toward the police officer, and that named officer failed to have his driver's license with him at the time. A supervisor of named officer reviewed with him the importance of behaving professionally and respectfully when dealing with other police officers and of obeying the law as it relates to carrying a driver's license.

STANDARDS OF CONDUCT: RULES/EXPECTATIONS

Synopsis	Action Taken
Officer alleged a supervising sergeant inappropriately attempted to open/did open a box that named officer was processing as evidence in a matter he was investigating. During the course of the administrative investigation by OPA, it came to light the officer complaining against the sergeant also may have attempted to inappropriately open the same box and, additionally, failed to document in his General Offense Report the changed nature of the potential evidentiary item.	Named officer: Primary Investigation/Officer Responsibility–SUPERVISORY INTERVENTION Mishandling Evidence/Property–SUPERVISORY INTERVENTION Named sergeant: Mishandling Evidence/Property – SUSTAINED The evidence established both the named officer and the named sergeant attempted to open a box containing miscellaneous items that was locked and was going to be placed into the Property Room. The box had to be opened beforehand. In the process, the box was "inadvertently" knocked onto the floor. The named officer failed to note the changed nature of the box in the associated General Offense Report he completed. Named officer was counseled for failing to note in his report the changed nature of the evidentiary item and for mishandling evidence/property. He will also work with Ethics Captain to review policies involved with this complaint to determine if any revisions are necessary. Named sergeant received a written reprimand for mishandling the evidence/property, and was directed to complete a research report on the importance of preserving and processing evidence according to policy and procedure.

STANDARDS OF CONDUCT: RULES/EXPECTATIONS

Synopsis	Action Taken
Complainant alleged named officer, who was at complainant's residence to serve a protection order on complainant's 7-year old child, should not have been inside his residence and, if not inside his residence, would not have seen conditions named officer concluded constituted child abuse.	General Searches/Procedures – EXONERATED The evidence established named officer had a legal justification for being present in complainant's residence and, while present, observed unsanitary conditions that justified a cursory search of the premises to discover danger to the health and welfare of the children living there. The evidence demonstrated the named officer acted reasonably and in the best interests of the children at risk living in the residence.
Complainant alleged named officer and sergeant, when investigating a property damage and harassment incident, inappropriately impounded his car and misplaced his pet cat and a lap top computer.	Named officer: Primary Investigation – UNFOUNDED Evidence and Property – EXONERATED Impounding Vehicles/Policy – EXONERATED Named sergeant: Impounding Vehicles/Policy – SUPERVISORY INTERVENTION The evidence established that during the course of the investigation, complainant's pet cat jumped out of his car just as the named officer opened the door to the car, but was re-captured the next day, unharmed, by an Animal Control Officer. The evidence also established named officer placed complainant's lap top computer into the department Property Room for safekeeping. When complainant retrieved his computer, it was not operating but, also, it was not apparently damaged. He did not verify its operating status at the time he retrieved it. Regarding the impoundment of complainant's car, the evidence demonstrated there may have been less intrusive means to address the status of the car other than impounding it and that the sergeant should have been aware of them and advised the named officer. Supervisor of named sergeant counseled him regarding impoundment of vehicles.

STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
Complainant, whom named officer arrested for trespassing in a city park, alleged named officer took a \$50 bill from him while processing his personal belongings at the time of arrest.	Mishandling Evidence/Property – UNFOUNDED The evidence, including holding cell video, established that named officer followed department procedure while inventorying complainant's property, including ensuring the holding cell video camera captured his inventory, and did not mishandle complainant's property. Other than complainant's assertion, there was no evidence to support his claim.

STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
<p>Complainant, whom named officers had arrested for illegal drug dealing, alleged he had \$172 more on his person at the time of his arrest than officers stated in their report.</p>	<p>Two named officers, same allegations for each Mishandling Evidence/Property – UNFOUNDED In-Car Video Policy – EXONERATED The evidence established named officers seized several ounces of “crack” cocaine and cash when arresting complainant for illegal drug dealing. Complainant gave varying and conflicting explanations of how he would know that he had exactly a certain amount of cash on his person from his drug dealing. Notably, the named officers in this case were a FTO and his student officer who were using this particular arrest as a learning experience for the new officer, thereby painstakingly adhering to the formal procedures of processing and documenting such an arrest. Other than complainant’s assertion of missing money, there is no other evidence to support his claim. The nature of the stop (not requiring activation of the patrol vehicle’s emergency lights/siren) legitimately explained why the in car video system had not been activated.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
<p>Complainant, a driver in a traffic collision to which named officer had been dispatched, alleged named officer was rude and failed to take appropriate enforcement action against the other party to the collision.</p>	<p>Professionalism/Courtesy – SUPERVISORY INTERVENTION Collision Investigation/Reporting – SUPERVISORY INTERVENTION The evidence demonstrated the named officer should have documented his effort to accurately identify the parties involved in the collision and to explain his decision-making regarding enforcement action. The officer’s supervisor counseled him regarding providing professional service at traffic collision scenes.</p>
<p>Complainant alleged named employee, a Parking Enforcement Officer, was rude and unprofessional, identified himself as a police officer, and issued complainant a citation simply because the complainant asked for a business card.</p>	<p>Professionalism/Exercise of Discretion – NOT SUSTAINED Professionalism/Courtesy – NOT SUSTAINED The evidence established named employee had a legitimate basis for citing the complainant for a parking violation and that, when feeling threatened by complainant’s behavior, acted in compliance with department practice by requesting the assistance of a police officer. The evidence demonstrated that the allegations against named employee was neither proved nor disproved.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant, whom officers arrested for several crimes, alleged named officers used unnecessary force in arresting him and arrested him because of racial bias.	Four named officers, Unnecessary Use of Force- EXONERATED One named officer, Professionalism/Discretion- UNFOUNDED One named officer, Biased Policing – UNFOUNDED The evidence established named officers had a legitimate purpose for stopping complainant for a pedestrian violation, that complainant refused to cooperate with officers, that complainant pushed one officer and punched another officer in the face, and that named officers used reasonable and necessary force, including a Taser application, to control complainant. The evidence also established that it was complainant's conduct and not his race that led to his arrest and precipitated the need by officers to use force.
Complainant, whom named officers had been dispatched to contact because she was creating a disturbance at a residential facility, alleged named officers used force on her without justification.	Two named officers, Unnecessary Use of Force – UNFOUNDED The evidence established complainant misrepresented and exaggerated the degree of force used on her by officers and that the officers used only minimal, reasonable, and necessary force to remove a pen from complainant's hand that she was brandishing "dagger style" at officers, to prevent complainant from biting one of the officers, and to hold complainant on the ground until she could be transported by ambulance to a hospital for a mental health evaluation.
Complainant, who was a party to a domestic violence disturbance named officers were investigating, alleged named officers used unnecessary force when they made him sit on the ground at one point during their investigation.	Two named officers, Unnecessary Use of Force – ADMINISTRATIVELY EXONERATED The evidence established that officers used minimal, reasonable, and necessary force when they guided complainant to sit on the ground when he was being uncooperative during the investigation and before they arrested him on an outstanding warrant.
Complainant, after being booked into the Youth Service Center, told an intake screener that named officers had punched and kicked him for up to 10 minutes for no apparent reason.	Three named officers and one unknown officer- Unnecessary Use of Force – ADMINISTRATIVELY EXONERATED The evidence established that the force used on complainant was reasonable and necessary in response to complainant's assaultive behavior toward officers, did not consist of the degree and type of force described by complainant, and was thoroughly documented and reported in compliance with department policy.
Complainant, whom named officers had been dispatched to contact as a possible trespasser or burglar in an apartment unit, alleged named officers used unnecessary force when taking him into custody and removing him from the premises.	Two named officers, Unnecessary Use of Force – ADMINISTRATIVELY EXONERATED The evidence established named officers had a legal basis to arrest complainant for burglary and that they used minimal force to place complainant on the floor and handcuff him.

UNNECESSARY FORCE

Synopsis	Action Taken
<p>Complainant, a witness to a fight disturbance in a store to which named officer had been dispatched, alleged named officer used unnecessary force on him when escorting him from the store.</p>	<p>Unnecessary Use of Force – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrates named officer was investigating a fight between two people inside a store. Named officer initially believed complainant may have been involved. Complainant was uncooperative with named officer, refused to provide simple information that would have immediately clarified the situation, and refused to walk outside the store with named officer. When named officer touched complainant's arm to escort him out, complainant immediately began complaining named officer had injured his arm. Complainant told responding SFD Medics that he had hurt his arm attempting to break up the fight. Supervisor of named officer counseled him regarding the importance of documenting claims of injury – regardless of how questionable they may appear – so as to memorialize relevant information about the incident.</p>
<p>Complainant, whom named officer was arresting for an outstanding warrant, alleged named officer used unnecessary force when subduing her.</p>	<p>Unnecessary Use of Force – EXONERATED</p> <p>The evidence established named officer recognized complainant as a person he had arrested previously for illegal drug dealing and had an outstanding warrant for her arrest. Complainant ran from named officer, who eventually caught up with her, and fought with him in an attempt to escape. Complainant failed to comply with lawful directions from named officer and struggled violently with him. The evidence established named officer used reasonable and necessary force to control and subdue the assaultive complainant.</p>
<p>Complainant, who had threatened to stab another tenant at a downtown residential hotel, alleged named officers used unnecessary force when taking him into custody for transportation to a hospital for a mental health evaluation.</p>	<p>Three named officers, Unnecessary Use of Force – All EXONERATED</p> <p>The evidence established named officers used reasonable and necessary force to take an uncooperative complainant into custody for transportation to a hospital for a mental health evaluation after complainant had been threatening to stab a fellow tenant at his residential care facility. The evidence demonstrates the complainant was uncooperative, disregarded verbal directions from officers, and had to be involuntarily committed because he was a danger to himself and others.</p>

Mediation Program:

5 cases were selected by the Director for resolution through mediation in October.

3 cases, resolved through mediation.

2 cases, complainant declined to mediate.

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.

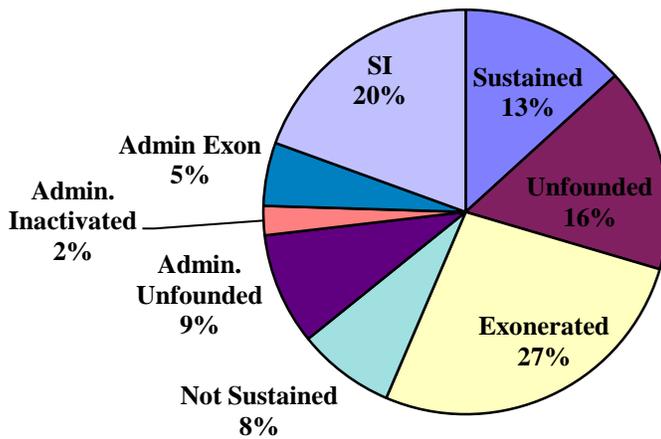
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

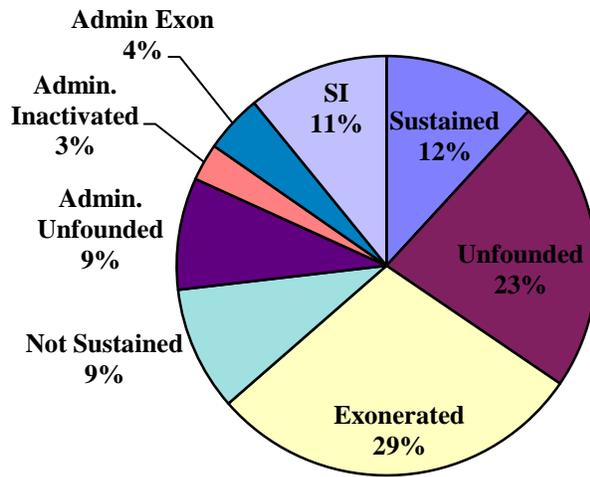
Date	PIR		SR		LI		IS		TOTAL	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
1/1-2/15	38	18	9	3	1	1	16	15	64	37
2/16-3/15	24	14	8	6	2	2	12	8	46	30
3/16-4/15	30	16	4	3	0	6	9	15	43	40
4/16-5/15	26	15	4	6	2	5	15	12	47	38
5/16-6/15	23	20	2	10	1	3	12	9	38	42
6/16-7/15	17	14	2	9	3	3	14	8	36	34
7/16-8/15	27	16	9	11	3	0	25	17	64	44
8/16-9/15	19	16	7	9	2	1	16	14	44	40
9/16-10/15	23	21	11	9	2	1	14	16	50	47
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	150	71	66	20	22	158	114	527	352

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.

Disposition of Completed Investigations
Open as of 1 Jan 2009 and closed as of 15 Oct 2009
N=158 Closed Cases/313 Allegations



One case may comprise more than one allegation of misconduct.