

Office of Professional Accountability (OPA) Commendations & Complaints Report November/December 2009

Commendations:

Commendations Received in October/November: 12

Commendations Received to Date: 99

| Officer Felix Reyes | Boyfriend and girlfriend out with friends were assaulted after intervening to stop suspects who were assaulting another woman. The boyfriend commends Officer Reyes for being "very calm, patient, and kind" when investigating the situation and comments Officer Reyes "has done an excellent job of serving the people of Seattle." |
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| Officer Steve Redmond | Community member involved in the first traffic collision in her life commends Officer Redmond for his professionalism and assistance investigating the collision and aiding her. |
| Officer Mike Tietjan | A physician leaving her hospital had stopped to assist a frail 75-80 year old man whose car had a flat tire and was blocking traffic. The man was confused and spoke primarily Arabic, according to the physician. Officer Tietjan happened upon the scene, stopped, and assisted the man. The physician commends Officer Tietjan not only for the assistance he rendered but even more for the pleasant manner in which he provided it. The physician notes Officer Tietjan spoke to the man in rudimentary Arabic, a language he had encountered while in military service. |
| Detective Todd Novisedlak | A father whose teenage daughter had been victimized by a criminal group commends Vice Unit Detective Novisedlak for his "professionalism, diligence, commitment, pride, and passion" in the effort he put into investigating a significant criminal enterprise that had been victimizing young teenage girls. |
| Officers Adam Elias, Enoch Lee, Colin Carpenter, and Adam Beatty | A community member commends all four officers for their "respect" and "good judgment with the unclear and limited information that they had" when aiding a "distressed" person who needed police assistance. |
| Communications Dispatcher Rick Goldstein | A caller to 911 commends Dispatcher Goldstein for his helpfulness and pleasant manner in processing her call. |
| Crime Prevention Specialist Terrie Johnston | A Community member commends Crime Prevention Specialist Johnston for her informative presentations and follow through when assisting people with their community safety issues. |
| Officer Michael Cross | A motorist approaching a train crossing observed Officer Cross provide a good example to other drivers by not trying to rush through the recently activated crossing signals but rather stop to ensure the safe passing of the train and approach of other drivers. |
| Officer Tim Greeley | A student who completed a ride-a-long with Patrol Officer Greeley commends Officer Greeley for teaching her about community policing and being respectful to people. |

Commendations:

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| Officer Jill Bassett | A party to a domestic violence/harassment situation commends Officer Bassett for her understanding, considerateness, responsiveness, and competence in responding to the situation. The community member describes her encounter with Officer Bassett as "the most positive interaction I have had with a police officer." |
| Officer Randy Robinson | An employee at a local business left work late at night to find her car had been impounded because she had mis-read the parking signage. It was a dark and isolated location and she commends Officer Robinson for not just doing his job in assisting her to determine the status of her car but for his helpfulness, cheerfulness, and kindness in a distressing situation for her. |
| Officer Michael Bonet | A victim of theft commends Officer Bonet for his "very helpful, professional, and knowledgeable" handling of a stolen property incident, including his advice about how to prevent a similar incident in the future. |

October/November 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 |
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| A routine records check of named employee revealed named employee had failed to notify the Department of his involvement in a theft/vandalism incident that occurred in another jurisdiction, where it was alleged he had victimized his mother. | Administrative Violation of Law (Disorderly Conduct) – SUSTAINED. Failure to Report Involvement in Criminal Incident – SUSTAINED. The evidence established named employee stipulated to the criminal charge against him and violated Department policy by failing to promptly notify the Department of the criminal charge against him. Discipline was 1-day suspension, held in abeyance for 2 years; mandatory EAP compliance; and written agreement to avoid similar issues in future or face more severe discipline. |

STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

| Synopsis | Action Taken |
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| Named officer and named sergeant, while off duty in another state attending a social event, became involved in a confrontation in a bar during which named officer used his firearm to defend himself against an assault by another patron of the bar. Local authorities initially charged the officers with criminal firearms violations and other crimes. | Named officer: Administrative Violation of Law (Simple Assault, Perjury, Carrying Firearm Unlawfully) – ADMINISTRATIVELY UNFOUNDED. Named sergeant: Administrative Violation of Law (Carrying Firearm Unlawfully) – ADMINISTRATIVELY UNFOUNDED. The evidence established that the local jurisdiction investigating the incident withdrew all criminal charges against the named employees after determining that their conduct did not violate the law, as initially thought. |
| On-going vandalism by an unknown person to various items of property and vehicles used by members of the Department's Traffic Section led to extended investigation in order to identify suspect. | Administrative Violation of Law (Property Damage) – ADMINISTRATIVELY INACTIVATED. The evidence did not identify a suspect and available investigative leads had been exhausted. Therefore, the case was inactivated pending the discovery of information or evidence warranting further investigation. |
| Off-duty lieutenant arrested by another jurisdiction for DUI and charged with DUI. | Administrative Violation of Law (DUI) – SUSTAINED. The evidence established named lieutenant committed the crime of DUI. Discipline consisted of a four-day suspension without pay. |

STANDARDS OF CONDUCT: RULES/EXPECTATIONS

| Synopsis | Action Taken |
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| Complainants alleged named officers, who were among several officers dispatched to a man with a gun call in the Belltown area of downtown, stopped them for no other reason than their race. | Both named officers: Biased Policing – UNFOUNDED Unnecessary Use of Force – EXONERATED. The evidence established several officers were dispatched to a location in the busy nightclub area of downtown to investigate a report of a man brandishing a handgun. Upon arriving, witnesses provided a description that led named officers to stop complainant and a companion who were nearby. After temporarily detaining the two individuals to confirm or dispel their possible involvement in the disturbance, named officers promptly released them from the scene. Officers located the actual suspect nearby a short time later. The evidence established named officers had a lawful justification to temporarily detain complainant and to "frisk" him for weapons. Other than the complainant's assertion that named officers stopped him solely because of his race, there is no other evidence to support such a claim and, in fact, there is considerable evidence to contradict that assertion. |

STANDARDS OF CONDUCT: RULES/EXPECTATIONS

| Synopsis | Action Taken |
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| Complainant, whom named officer arrested for threatening a co-worker in the parking lot of their business, alleged named officer did not provide him an adequate opportunity to explain his version of the incident prior to arresting him. | Primary Investigation/Officer Responsibility – ADMINISTRATIVELY UNFOUNDED. The evidence established named officer conducted a thorough and competent investigation and properly documented the incident. Understandably, the arrestee may possess a different opinion regarding his conduct but the judicial process is the more appropriate means to explore that matter. |
| Complainant, a Department Precinct Captain, alleged named officers failed to recognize that the injured man on the ground call to which they had been dispatched should have resulted in an assault report and not simply documentation as having assisted an injured person, which named officers did. | Both named officers: Preliminary Investigations/Failure to Take a Report Officer #1 – SUPERVISORY INTERVENTION. Officer #2 – EXONERATED. The evidence demonstrated that the primary officer on the call, named officer #1, should have recognized the facts available as constituting possible criminal conduct being the cause of the injury to the man on the ground and should have requested additional investigative assistance and properly reported the incident. Named officer #2 was the secondary officer on the call and not responsible for reporting the incident. Named officer #1's supervisor has discussed with him the importance of evaluating evidence and information to better assess whether a particular situation is the result of criminal conduct or something else. |
| Complainant, who had taken documents from a medical clinic at which she had received service and documents needed by the clinic to properly bill complainant, alleged named officers lacked legal authority to retrieve the documents from her car once they had located her and her car. | Both named officers: Searches-General Procedures – SUPERVISORY INTERVENTION. The evidence established that, while complainant absconded with the documents from the medical clinic in order to interfere with the ability of the clinic to bill her for services rendered, the named officers, though acting in good faith and understandably, lacked adequate justification to retrieve the clinic documents from complainant's car as they did, even though the documents were clearly visible on the seat of the unlocked car. The named officers' supervisor has reviewed with them the importance of following proper procedures even when another way seems practical and reasonable. |
| Complainant alleged named officer failed to properly document a traffic collision in which the complainant was involved. Additionally, OPA alleged named officer failed to operate his in-car video system in compliance with Department policy. | Collision Investigation/Duties of Responding Officer – EXONERATED. In-Car Video Policy – EXONERATED. The evidence established named officer properly documented the traffic collision and that the in-car video system was not operational because of a defect with the system. |

STANDARDS OF CONDUCT: PROFESSIONALISM

| Synopsis | Action Taken |
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| <p>Complainant alleged named officer used profanity when talking to her after she had intervened to assist her brother with whom the named officer was presently involved regarding a pedestrian violation.</p> | <p>Professionalism (Profanity) – SUPERVISORY INTERVENTION. Professionalism (Courtesy) – SUPERVISORY INTERVENTION.</p> <p>The evidence established named officer, though with the understandable intent of discouraging the complainant's uninvited involvement in the matter with which named officer was involved with complainant's brother, used less than professional language when he should have considered other ways to de-escalate the tension present in the encounter. The named officer's supervisor discussed the matter with named officer with the intent of improving future performance.</p> |
| <p>Complainant, who has an extensive criminal history, including prostitution and regular use of illegal narcotics, while being transported after an arrest by other officers, alleged named officer, who was not involved in the arrest, had a reputation in the world of local prostitutes as being a "naughty boy" or "bad boy" and that she and named officer had taken it to "another level."</p> | <p>Professionalism (Discretion) – ADMINISTRATIVELY UNFOUNDED.</p> <p>The evidence, which was presented to the King County Prosecuting Attorney's Office for review and evaluation, did not establish either unlawful or unprofessional conduct by the named officer.</p> |
| <p>Complainant alleges named employee contacted her for a jaywalking violation after she entered her boyfriend's car. Named employee pulled complainant out of the car causing pain. Complainant also alleges named employee used profanity while speaking to her boyfriend. The boyfriend alleges that named employee used force on him by grabbing his arm and pulling down resulting in a very minor scratches.</p> | <p>Professionalism-Profanity-NOT SUSTAINED Unnecessary Use of Force-EXONERATED</p> <p>Named officer states he does not use profanity with people. A witness PEO and Officer both stated that they did not hear named officer use any profanity. Based on the various accounts of the verbal exchanges, there is no preponderance of evidence concerning the profanity allegation. The evidence indicates that the "force" used on the complainant was minimal, if even rising to the level of force. By the complainant's own admission it caused her no pain. There was nothing inappropriate about taking the complainant by the arm to escort her from the vehicle. Named officer denies touching complainant's boyfriend, witness PEO and Officer both state they did not observe named officer touch the boyfriend. Though the evidence is not clear that the named employee did have physical contact with complainant's boyfriend, the force alleged to have been used is again very minimal and did not cause any pain. Under both of these circumstance the reporting requirements of the Use of Force policy would not have been triggered.</p> |

UNNECESSARY FORCE

| Synopsis | Action Taken |
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| <p>Complainant, whom named officer was arresting for possession of narcotics paraphernalia while complainant was loitering near the doorway of an apartment known to officers in the area as a location for the presence of illegal conduct involving “crack” cocaine, alleges named officer, for no reason, choked him and slammed his head against a wall.</p> | <p>Unnecessary Use of Force – EXONERATED. The evidence established named officer had been observing the area of an apartment complex, which had been openly marked a “No Trespassing” area due to the high level of illegal narcotics activity, when he observed complainant loitering. Named officer observed complainant had a “crack” pipe in his hand and something in his mouth, which later proved to be “crack” cocaine. Complainant began to swallow the “crack” cocaine in his mouth and named officer approached, at which time named officer used reasonable and necessary force to prevent the destruction of evidence, retrieve the “crack” pipe, and place complainant in handcuffs. Named officer properly documented the force he used and the arrest he made. The evidence established named officer used only reasonable and necessary force.</p> |
| <p>The two complainants did not witness the event but are friends of the woman on whom named officers allegedly used unnecessary force. Complainants allege their friend was walking past a parked patrol car in which named officer #1 was seated when officer #1, for no reason, exited her car and asked, “Why did you spit (on the trunk of the patrol car)?” and that when their friend raised her hands and backed away, named officer #1 attacked her by kneeing, punching, kicking, and tasing her. Additionally, it is alleged named officer did not request medical aid for the woman’s breathing problem and taunted her for having it. One complainant, who arrived after the encounter, alleges officer #2 twisted his shirt, grabbed the lapel of his shirt, and shoved him backward as he was trying to take a cell phone photograph of the patrol car. This complainant also alleges named officer #2 failed to identify herself to him. Complainants also allege officer #1 failed to safeguard property belonging to the woman.</p> | <p>Named officer #1: Unnecessary Use of Force – EXONERATED. Mishandling Property/Evidence – UNFOUNDED. Named officer #2: Unnecessary Use of Force – UNFOUNDED. Professionalism (Duty to Identify) – UNFOUNDED. The evidence overwhelmingly established that the named officers conducted themselves in a reasonable and necessary manner and that they did not engage in the misconduct alleged. The allegations of misconduct were mere assertions by complainants, who did not produce credible evidence to support those assertions.</p> |

UNNECESSARY FORCE

| Synopsis | Action Taken |
|--|---|
| <p>Complainant, whom named officer was arresting for DUI after complainant had driven his car into the side of a trailer legally parked at the street curb and then began fighting with the owner of the trailer, alleges named officer used unnecessary force when separating him from the owner of the trailer during their brawl and was rude to him while talking to him on the phone after the collision.</p> | <p>Unnecessary Use of Force – EXONERATED. Professionalism (Courtesy) – SUPERVISORY INTERVENTION.</p> <p>The evidence established named officer used reasonable, necessary, and minimal force when he pulled complainant away from the owner of the trailer that he had struck when the two were brawling as named officer arrived on the scene and as complainant resisted named officer's effort to control and handcuff him. The evidence also demonstrated named officer, while talking with complainant on the phone, made some gratuitous comments about complainant needing the services of a psychiatrist, and may have referred to the complainant as a "nut case." Named officer's supervisor discussed with named officer the importance of limiting commentary when talking with people in emotionally challenging situations.</p> |
| <p>Named officer was among several officers dispatched to a man, possibly armed, creating a disturbance in a downtown intersection. Complainant, a patron in a nearby restaurant, observed named officer contact the male and alleged named officer used unnecessary force when stopping and controlling him.</p> | <p>Unnecessary Use of Force – EXONERATED.</p> <p>The evidence, including in-car video, conclusively established named officer used only reasonable, necessary, and minimal force when stopping and controlling the male causing the disturbance in the intersection. Named officer searched the male for weapons but found none (though he did have in his possession a shiny glass that could have been mistaken by witnesses to be a chrome handgun). Named officer thoroughly documented his actions, including his use of force, and his actions were reasonable under the circumstances. The male named officer stopped did not make a complaint.</p> |
| <p>Complainant alleged named officer grabbed her arm with such force that he bruised her arm when he stopped her and a companion for a pedestrian violation.</p> | <p>Unnecessary Use of Force – EXONERATED.</p> <p>The evidence established complainant and a companion committed a pedestrian violation observed by named officer. Named officer called to them to stop. Complainant's companion promptly stopped but complainant continued walking away. Named officer placed his hand on complainant's shoulder after she continued to disregard verbal directions to stop. As named officer's hand touched complainant's shoulder, she forcefully slapped it away, at which time, named officer took hold of her arm to control her. Named officer issued her a pedestrian citation. The evidence established named officer used reasonable, necessary, and minimal force to accomplish a lawful purpose and that it was complainant's irresponsible conduct that exacerbated the situation.</p> |

UNNECESSARY FORCE

| Synopsis | Action Taken |
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| <p>Named officer, while on uniform patrol, observed a male, possibly intoxicated or mentally ill, acting strangely on the sidewalk and in the street and stopped to check on the male's welfare. Named officer concluded the male was possibly suffering from a mental illness and had him sit in her patrol car as she called for an ambulance to transport the male to a hospital for a mental health screening because he was a possible danger to himself or others. The complainant, uninvolved patron of a nearby restaurant, alleges named officer used unnecessary force on the male while handcuffing and controlling him.</p> | <p>Unnecessary Use of Force – EXONERATED. The evidence conclusively established named officer acted in a reasonable manner and used only reasonable, necessary, and minimal force to temporarily detain the male while awaiting the arrival of the ambulance that transported the male to the hospital. The evidence, including in-car video, clearly established the male, while seated in the rear seat of the patrol car, several times smashed his head against the window of the car. The male never complained of mistreatment at the hands of named officer.</p> |
| <p>Complainant, via the staff at the King County Youth Services Center, alleged named K-9 officer was responsible for complainant being bitten by a police dog after the police dog had located complainant, who had run from a reported stolen vehicle as it was being stopped by officers.</p> | <p>Unnecessary Use of Force – EXONERATED. The evidence established complainant was a suspect in a vehicle theft, was attempting to elude officers by hiding after fleeing the vehicle, was located by a police dog, and was bitten by the dog when he resisted arrest and while being removed from his place of concealment. The evidence established the force used was reasonable and necessary and that it was the irresponsible conduct of the complainant that resulted in the application of the police dog.</p> |
| <p>Third party complainant alleges she witnessed 5 or 6 officers take a male to the pavement and "bash" the male's face in after the male was "subdued". The complainant continued that the officers were, "beating up on him after he was cuffed."</p> | <p>Named Officer #1: Unnecessary Use of Force-SUPERVISORY INTERVENTION Named Officer #2: Unnecessary Use of Force-SUPERVISORY INTERVENTION Unknown Officer #3: Unnecessary Use of Force-UNFOUNDED The incident occurred during a buy/bust operation involving candidate officers for the Anti-Crime Team. This was an actual buy/bust operation, but also a training exercise for the ACT candidates. The evidence showed that taking the subject to the ground to control/handcuff him was a reasonable course of action. However, department policy requires the reporting of any use of physical force which causes an injury. The preponderance of the evidence indicates that the named employees did not adequately notify a supervisory of the injury as required by policy. Training with the officers on reporting requirements is appropriate.</p> |

Mediation Program:

8 cases were selected by the Director for resolution through mediation in October and November.

4 cases, resolved through mediation

1 case, complainant declined to mediate

1 case, officer declined to mediate

1 case, OPA attempting to contact complainant

1 case is scheduled for mediation session in 2010.

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.

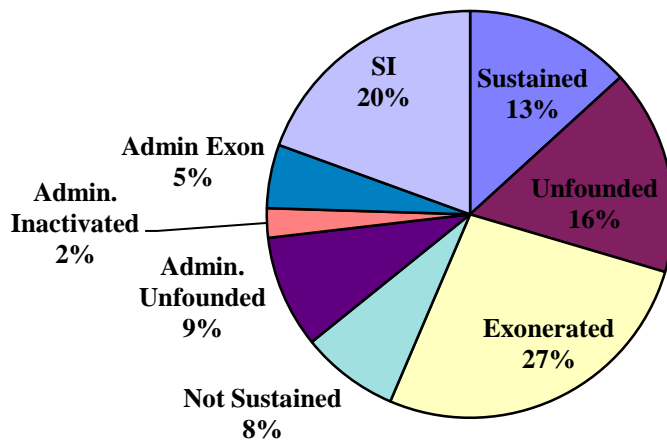
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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 | 21 | 6 | 8 | 1 | 1 | 11 | 13 | 38 | 43 |
| 11/16-12/15 | 23 | 23 | 6 | 10 | 2 | 3 | 9 | 14 | 40 | 50 |
| 12/16-12/31 | 8 | | 3 | | 0 | | 5 | | 16 | |
| Totals | 278 | 150 | 71 | 66 | 20 | 22 | 158 | 114 | 527 | 445 |

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 Dec 2009
N=178 Closed Cases/349 Allegations

