

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

Commendations:

Commendations Received in July: 31

Commendations Received to Date: 158

<i>Boyland, Weldon</i>	Officer Weldon Boyland received a letter of commendation for helping a civilian who had been in a three-way car crash. Officer Boyland turned a traumatic experience into a calm process; he came and took control of the situation, did an excellent job and was professional and kind.
<i>Bouldin, Denise Fowler, John Lebar, Albert</i>	John Fowler with the Office of Professional Accountability along with Detective Al Lebar and Officer Denise Bouldin received a commendation for their presentation on Safety held at a school-wide, daylong event at Summit K-12. Everyone involved was very pleased with the presentation. Both Detective Lebar and Officer Bouldin provided valuable, age-appropriate information for 23 Summit classes and generated discussions between students and staff for several days afterwards.
<i>Conners, Michael Witherbee Jr, Mark</i>	Officers Mark Witherbee and Michael P. Conners received a commendation for helping a mother whose daughter who was very intoxicated and difficult to manage. The officers demonstrated patience, compassion, and negotiation skills and went "above and beyond." It was necessary to arrest the daughter, and even here, the officers took time to explain in great detail the arrest, booking and adjudication process. The mother states the officers were "wonderful and knowledgeable." The mother was very pleased with the officers performance.
<i>Frame, Tammy</i>	Student Officer Tammy Frame received a letter of thanks for going above and beyond for her assistance provided, resulting in the recovery of a citizen's purse.
<i>Garniss, Robert</i>	Officer Robert Garness received a letter of thanks for his quick response in aiding a citizen after he fell off a curb at a Mariners Game. Officer Garness took charge to help the citizen; he quickly placed traffic cones around the citizen to protect him and called an ambulance.
<i>Granard, Cynthia Harwood, Julie Ann Haubert, Sally Huserik, Randall</i>	A letter of praise was sent to Sergeant Cindy Granard, Officers Harwood and Huserik along with Parking Enforcement Officer Randy Haubert for assisting a Tacoma Police Officer and her extended family during a very difficult time. Their professionalism, kindness and compassion shown for the Tacoma Police Officer and her extended family were really appreciated.

<i>Janes Jr, Thomas</i>	Officer Thomas Janes received a letter of commendation for his assistance and the expertise he provided which resulted in the recovery of a stolen car taken during a residential burglary.
<i>Koutsky, James</i>	Lieutenant James Koutsky, working with the Southeast Seattle Prevention Council, who has gone above and beyond to make the streets and neighborhoods safer, received a letter of commendation. Lieutenant Koutsky has demonstrated the highest level of integrity and leads by example. Even when there are adverse conditions, resource constraints or difficult people involved, he finds a way to chart the course through rough waters.
<i>Liggins, Lester</i>	Captain Les Liggins received a letter of thanks for his participation in the Port of Seattle's "2008 Sergeant's Promotional Assessment Center". The Port of Seattle commends Captain Liggins on his outstanding job and for the positive manner in which he represented the Seattle Police Department.
<i>Ortiz, Domingo</i>	Officer Domingo Ortiz received a letter of praise for showing a lost elderly citizen, who had wandered away from a caregiver facility, consideration, dignity and kindness upon locating him.
<i>Osinski Jr, Frank</i>	Officer Frank Osinski received a letter of commendation for helping a citizen retrieve her stolen computer. If it hadn't been for Officer Osinski's experience, common sense and interview skills, she believes she would not have received her computer back.
<i>Shin, Jay Raguso, Douglas Roberson, Richard Toman, Christopher Wight, Julie</i>	East Precinct Sergeant Jay Shin and Officers Raguso, Roberson, Toman and Wight received thanks for their assistance provided to the Vietnamese Catholic Community of Washington State Parade. The courteous staff contributed to the event's safety and success.
<i>Rees, Brian</i>	Officer Brian Rees received a letter of commendation for his assistance provided to the King County Sheriff's Department. Due to Officer Rees's excellent investigation and initiative to contact the Metro Transit Police with shared information, probable cause was developed to make an arrest of a suspect.
<i>Renihan, Timothy Reynolds, Aaron Stokke, Daniel</i>	Detectives Tim Renihan, Daniel Stokke and Aaron Reynolds received a commendation for their assistance, effort and the outstanding job they did in an investigation regarding a court case with a law firm.
<i>Seibert, Robin Witmer, Donald Umpleby, Dale</i>	Officers Dale Umpleby, Donald Witmer and Robin Seibert received a commendation for their great job on calming down a mentally ill spouse who had earlier said she was going to get a knife to kill her husband.

<i>Topacio, Adonis Wilson, Ralph</i>	Officer Adonis Topacio and Officer Ralph Wilson supported a local elementary school book fair and the first "Local Heroes Day." Their professionalism and demeanor was impressive. The participants enjoyed looking inside real police cars and hearing about how the police work in the community to keep the public safe from harm. Both officers were especially kind and interacted with the children in a very genuine and inspiring manner. They made a wonderful and positive impression on all.
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July 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
The complaint alleges that the named employees used profanity and inappropriate comments while taking her into custody.	The evidence, to include witness testimony, conclusively established that the allegations of misconduct simply did not occur. Finding--UNFOUNDED
The complainant stated that the named employee used inappropriate and demeaning language.	The investigation determined that the incident did not occur as reported. The evidence established that the named employee was not even on the street at the time the complainant stated the misconduct occurred, was not dressed as described by the complainant, and did not have any contact with the complainant on the date reported. Finding—ADMINISTRATIVELY UNFOUNDED
The complainant read about the incident in a news story and believed the employees failed to take appropriate action.	The facts of the event were not in dispute. The issue was whether the employees, based on the available information, took appropriate action. The investigation determined that the employees took what they believed were reasonable and prudent measures and believed they had intervened appropriately. There were, however, issues in which the employees were unfamiliar with policy issues, such that training is appropriate. Finding—SUPERVISORY INTERVENTION
The complainant alleged that the named employee "yelled" at her and then threatened to arrest her when she told him she was going to file a complaint.	The investigation determined that the interaction could have been handled in a more professional manner. Despite the complainant being an active participant in the verbal exchange, the employee should have been able to control the conversation and disengage. Finding—SUPERVISORY INTERVENTION

The complainant believes that he was stopped without cause and that during the incident the employee used inappropriate and offensive language	The investigation determined that the initial stop was legitimate and appropriate and that the language issues did not occur as reported. Finding--UNFOUNDED
The complaint alleges that the named employee used inappropriate language during a traffic stop.	The named employee admitted to using specific language in order to gain the subject's compliance. The language could have been considered inappropriate/offensive and training on alternative approaches would be useful. Finding—SUPERVISORY INTERVENTION

STANDARDS OF CONDUCT: POLICY/PROCEDURES

Synopsis	Action Taken
The complaint alleges that the named employee failed to take a report and document an incident as required.	The investigation determined that the employee had in fact not taken the required report, but that the actions did not amount to misconduct. It was opined that this incident best be handled with counseling and additional training. Finding—SUPERVISORY INTERVENTION
The complainant alleged that the named employee obtained and provided restricted information to an unauthorized individual in violation of departmental policy.	The named employee acknowledged that he obtained and shared the information. While an actual violation did occur, lack of training may account for a misunderstanding of the policy. The release was with good intentions and with the hope of improving safety within the area of his responsibilities. It was determined that additional counseling would be sufficient to prevent a recurrence. Finding—SUPERVISORY INTERVENTION

STANDARDS OF CONDUCT: HONESTY

Synopsis	Action Taken
The complaint alleged that the named employee made material misrepresentations during non-work related legal proceedings.	The preponderance of the evidence indicated that the employee did misrepresent material facts in a non-duty related court proceeding. Finding--SUSTAINED

VIOLATION OF LAW

Synopsis	Action Taken
The complainant stated that while in custody and being processed for a DUI by Washington State Patrol, two unknown SPD employees sexually assaulted her and made inappropriate comments.	By the complainant's own subsequent admission, the sexual assault did not occur. Further, the complainant was never out of the sight of two WSP troopers, neither of whom observed any contact between the complainant and SPD employees. A preponderance of the evidence also indicated that no inappropriate comments were made to the complainant. Finding—ADMINISTRATELY UNFOUNDED

It was alleged that the named employee, while off-duty, entered his ex-wife's residence and threatened a male guest with harm.	The employee, during a plea agreement with the court, admitted to conduct that would constitute misdemeanor harassment. Finding--SUSTAINED
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UNNECESSARY FORCE

Synopsis	Action Taken
The complaint names three employees for various allegations. The first allegation states that the named employee used unnecessary force. The second states the employee engaged in an inappropriate dialog with the complainant and also used inappropriate language during the contact. The third allegation is that no use of force report was initiated as required.	The investigation determined that the complainant was attempting to insert himself into an active felony car stop and arrest. Further, the force that was used was reasonable, necessary, and so minimal that it did not require the initiation of a force packet. Finding—FORCE—EXONERATED, FORCE REPORTING--EXONERATED The language used during the initial contact was considered to be reasonable and understandable under the circumstances to gain the complainant's initial compliance. The ensuing dialog was determined to be imprudent and unnecessary and to have escalated an already agitated emotional state. Training on alternative approached recommended. Finding—PROFESSIONALISM—SUPERVISORY INTERVENTION
Complainant alleges that the named employee used excessive force in the arrest of his daughter.	The available evidence, including in-car camera video, demonstrated that the alleged misconduct did not occur as reported and that force used by the named employee was reasonable, necessary and in compliance with Department policy. Finding—ADMINISTRATIVELY EXONERATED
The complainant advised that SPD employees used excessive force during his arrest.	The investigation determined that the incident occurred over a year ago and that the complainant had a faulty recall of the event as a result of his admitted drug use. The complainant was reported as having lain down in the street by an anonymous 911 call approximately a year prior to the complaint being filed. At the time of the response to that incident, the complainant advised both police and fire personnel that he had fallen. There was no evidence to corroborate any of the alleged misconduct. Finding—ADMINISTRATIVELY UNFOUNDED
The complaint alleged that the named employee stepped on the subject's hand while investigating a possible disturbance.	The evidence in the case, to include in-car video camera footage, persuasively demonstrated that the complaint's injury occurred prior to the arrival of the officer and that the allegation could not be supported. Finding—ADMINISTRATIVELY UNFOUNDED
08-0041 The complainant alleged that the named employees used excessive force while arresting her brother.	The investigation determined that the subject had a history of assaultive behavior and was most likely off his medications. The force used was necessary and reasonable to take the subject into custody for the purpose of evaluation. The employee's conduct was proper and within department standards. Finding--EXONERATED

The complainant alleged that employees had used excessive force while arresting him and had failed to return his personal property.	The incident occurred over 2 years ago and the complainant's allegations were unsupported or contradicted by other evidence. Finding—FORCE—EXONERATED, EVIDENCE & PROPERTY—UNFOUNDED
The complainant believed that the force used to detain him was inappropriate and excessive.	The investigation determined that the employee used minimum, reasonable, and necessary force to control the complainant. Finding--EXONERATED
The complaint alleges that the named employees used unnecessary and excessive force while making an arrest.	<p>The preponderance of the evidence established that employee #1 used reasonable and necessary force to overcome the subject's active resistance and assaultive behavior while taking the subject into custody. Finding—EXONERATED</p> <p>While it was determined the initial force used by both employees was appropriate, the force used by employee #2 to gain compliance while placing the subject into handcuffs was considered excessive. Finding--SUSTAINED</p>
The complainant alleged that the named employee used excessive force while she was being taken into custody and that the 1 st employee and a 2 nd employee both used inappropriate language.	<p>The investigation determined that the first named employee used reasonable and appropriate force considering the circumstances. Finding---ADMINISTRATIVELY EXONERATED</p> <p>It was also determined that there was no evidence to support the allegation of inappropriate language for either of the named employees. Finding—ADMINISTRATIVELY UNFOUNDED</p>

EVIDENCE & PROPERTY

Synopsis	Action Taken
The complainant stated that the named employees failed to secure and return property while taking him into custody	Based upon the information available, there is no preponderance of the evidence to determine what actually occurred. Finding—NOT SUSTAINED

July Cases Mediated:

- Complaint alleges named employee used unnecessary force when he took him to the ground and punched him following a jaywalking incident. Further, he states the police report inaccurately captures the event.
- Complainant believes the PEO was rude and did not exercise good discretion when issuing citations (two complainants)

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.

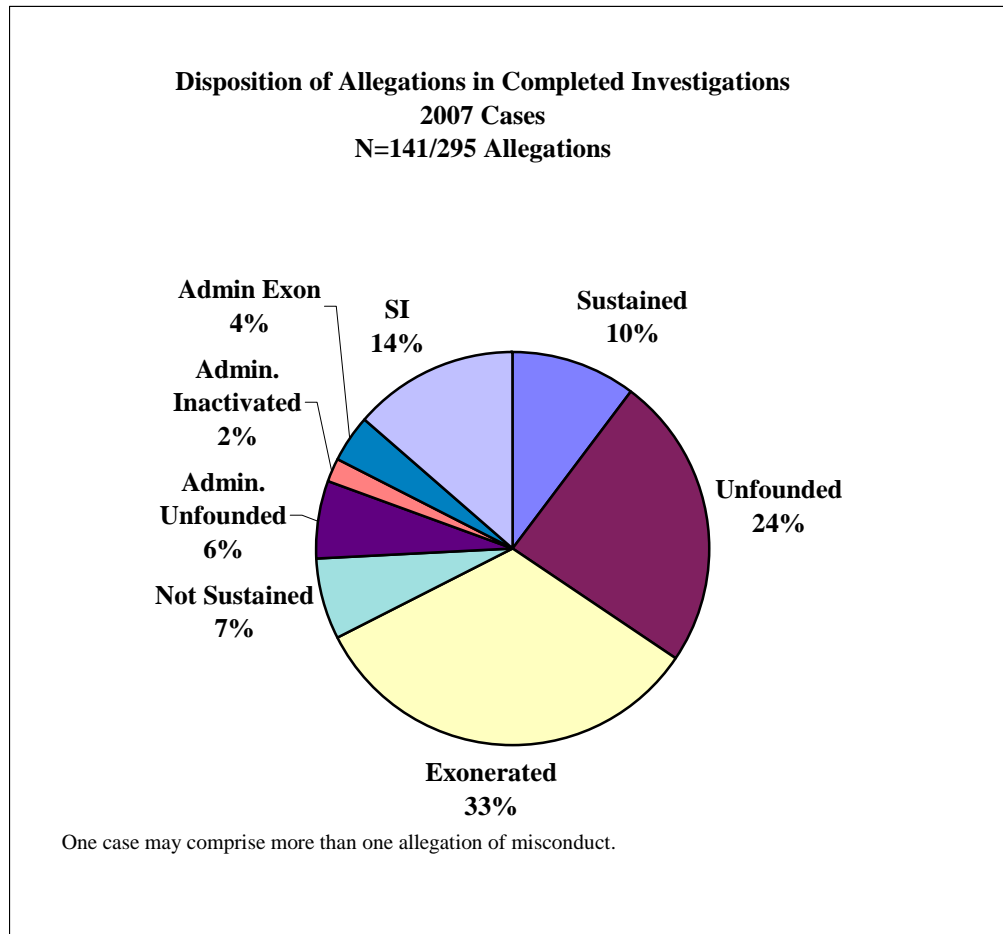
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals 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		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	
Totals	316	157	97	38	14	11	152	89	579	295

2007 Cases Closed to Date



2008 Cases Closed to Date

