

**OFFICE OF PROFESSIONAL ACCOUNTABILITY
COMMENDATIONS & COMPLAINTS REPORT
MARCH 2011
OPA Director's Monthly Message**

The Office of Professional Accountability's monthly report provides information about police misconduct complaints and describes incidents where officers were commended for their work. The report presents data on the number and classification of OPA complaints filed each month, with a comparison to the previous year. There are charts showing the percentage of cases closed with different type of findings and information about mediation and policy recommendations.

March 2011 highlights:

- 39 commendations were received in March covering numerous employees;
- 6% of 2011 cases closed to date were Sustained, resulting in discipline;
- 23% of closed cases so far in 2011 ended in a Supervisory Intervention finding, with a referral for training or counseling;

OPA Mediation Program:

Officer Jonathan Reese received a commendation this month for his participation in OPA's Mediation Program. An OPA complaint was filed about an incident Officer Reese had involving a father and son and the matter was referred for mediation. The father expressed appreciation for the process and commented, "I was really impressed with the way the officer took responsibility for his part...and explained his actions...he deserves big time kudos for his willingness to participate and his positive attitude...I would be happy to tell anyone, anytime how well I was dealt with from start to finish. Thank you, again, so much!"

Complainants are generally offered the option of mediation during the intake process; it is first and foremost the Complainant's choice. If the Officer involved also agrees to participate, mediations are scheduled for a mutually agreeable time and place. The mediator is a neutral third party outside of OPA.

OPA cases most suitable for mediation involve situations where there might have been miscommunication during the police/citizen interaction or it appears that a face-to-face discussion about differing perspectives would be beneficial to everyone involved.

The great majority of citizens and officers who use the OPA Mediation Program are satisfied with their experience. Mediation is much faster than the usual complaint investigation process, allows citizens and officers to resolve their differences directly with each other, and can make a real difference in the attitude and behavior of everyone involved. Please see the OPA website for more information about the Mediation Program: <http://www.seattle.gov/police/OPA/mediation.htm>

Office of Professional Accountability (OPA) Commendations & Complaints Report March 2011

Commendations:

Commendations Received in March: 39

Commendations Received to Date: 74

Officers Mary Lynne Woollum, Kevin Jones, James Moran, and John Schwieger	Driver involved in a traffic collision thanks Officers Woollum, Jones, Moran, and Schwieger for assisting her when investigating her collision.
Officer Julius Howard	Resident of a nursing home thanks Officer Howard for assisting him in retrieving personal belongings from a storage company hesitant to release them.
Detective Dan Cobain, Sergeant Jay Mooney, and Lieutenant Gregg Caylor	Loss Prevention Director of a large grocery business commends Detective Cobain, Sergeant Mooney, and Lieutenant Caylor for their investigation of a significant commercial theft ring operation.
Detective Dave Redemann	Attendee at an investigative techniques training program in Florida commends Detective Redemann for his "outstanding job" instructing the class.
Parking Enforcement Supervisor Douglas Lancia	Community member commends Parking Enforcement Supervisor Lancia for his "quick and kind response" in assisting him with addressing a parking ticket concern.
Officer Loren Street	Truck driver thanks Officer Street for assisting him in getting his semi-truck/trailer "backed up and heading in the correct direction."
Officers Daniel Auderer and Matthew Blackburn	Attorney representing a property owner commends Officers Auderer and Blackburn for assisting the property owner with addressing problematic tenants and illegal drug dealing, noting, "Without their assistance, I do not believe we would have received the successful outcome that we did."
Officer Clark Pine	Family member of a decedent commends Officer Pine for his "compassion" in helping the family deal with an emotionally difficult situation.
Officer Patrick Michaud	Sergeant from a nearby police department commends Officer Michaud for his "professionalism" in assisting an officer from that agency who was involved in temporarily detaining a suspicious vehicle and occupant.
Officers Rob Mahoney, Brendon Kolding, and Dave Gordon	Owners of three hotels along Aurora Ave. N. commend Officers Mahoney, Kolding, and Gordon for their "hard, diligent and compassionate work" in addressing serious "drug trafficking and other undesirable social issues" in and around the hotels.
Officer Rich Peterson	Special Agent in Charge of the Seattle Office of the FBI thanks Officer Peterson "in providing accommodations to the FBI's Defensive Tactics Program."

Commendations:

Officer Jonathan Young	Criminal defense attorney who concentrates on defending DUI cases, comments, "I am writing to inform you that I believe – and I imagine most of the criminal defense bar believes – Officer Young is one of the most honest, forthright, candid, friendly and approachable officer I have ever met."
Seattle Police Department	Community member comments that she and her husband support the work of Seattle Police Officers and wanted to let them know this despite all the "bad publicity that's being reported on the news."
Detective Brandon James	Assistant Special Agent in Charge of the Seattle Office of the FBI commends Detective James for assisting the FBI with training of East African law enforcement personnel in East Africa.
Officer Felix Reyes	Community member commends Officer Reyes for his effort in patrolling the area of Second Ave. & Stewart St. in downtown Seattle, especially for his effort to keep residents informed of problems in the area.
Officer Fred Jordan	Federal judge thanks Officer Jordan for his work in assisting a delegation of Russian judges visiting Seattle to learn more about the American judicial system.
Officer Denise Bouldin	National Association for the Advancement of Colored People (NAACP) awards Officer Bouldin its "2011 Community Service Award" for her work in the community.
Officer Jonathan Reese	Mother of a juvenile who chose, along with Officer Reese, to use the OPA mediation process to address a complaint made by her son against Officer Reese, commends Officer Reese and the mediation process by saying, "I was really impressed the way the officer took responsibility for his part of the incident and explained his actions, he deserves big time kudos for his willingness to participate and his positive attitude about the whole thing." The mother concludes, "I would be happy to tell anyone, anytime how well I was dealt with from start to finish once we filed our complaint. Thank you, again, so much!"
Officer Joseph Stankovich	Driver, who had just been threatened by another motorist in a store parking lot, commends Officer Stankovich for taking her situation "seriously" with a helpful "sense of humor which put her in a better mood." The driver thanks Officer Stankovich for standing by with her car as she concluded her business and for contacting the other person who had threatened her and who eventually apologized to her for his lapse of decorum.

Commendations:

Officers Joseph Stankovich and Mike LeBlanc	Family member of a person who had died in the family home commends Officers Stankovich and LeBlanc for their “compassionate and sensitive approach in investigating the death.” The family member notes, “The Dept. & especially the Mayor should be very pleased with these two fine officers representing the City.”
Officer Steve Pomper	Community member thanks Officer Pomper “for his boldness” in addressing several issues involving equal and equitable application of the criminal law.
Officer Loren Street	Deputy Prosecuting Attorney from a nearby jurisdiction commends Officer Street for his exceptional assistance at a burglary/assault trial in that jurisdiction, noting, “I’m sure that his presence and ‘dedication to justice’ made a difference in the outcome of the case.”
Officer Joseph Kowalchuk	Community member thanks Officer Kowalchuk for assisting her with a criminal matter and “making an unpleasant experience more bearable.”
Officer Lori Aagard	Father whose son’s car was struck by another vehicle while the son was away from it commends Officer Aagard, not only for her investigative work, but also for her “attitude, words and actions that helped (my son) understand how to deal with the situation.”
Radio Dispatcher Billie Jean Davidson	Caller to 911 commends Dispatcher Davidson for her “very cordial, friendly, polite but professional, direct questioning” in obtaining information regarding an in-progress breaking into a vehicle.

Internal Commendations

Officer Wade Jelcick	Two patrol sergeants from the East Precinct thank Officer Jelcick for his work output and for being a good example to newer officers.
Sergeant Edward Yamamoto and Officers Michael Tietjen, Michael Meder, and Paul Simpson	Lieutenant from the Harbor Unit thanks Sergeant Yamamoto and Officers, Tietjen, Meder, and Simpson for their work investigating break-ins to five boats and the theft of property from them and arresting two suspects.
Sergeant Joe Fountain and Officers Larry Longley and Kevin Grossman	A Deputy Chief recommended Sergeant Fountain and Officers Longley and Grossman for the Washington State Law Enforcement Medal of Honor. The award review committee noted that the nominees “distinguished themselves and should be recognized by law enforcement and their peers.”

Internal Commendations

Acting Sergeant Ginger Pio and Officers, Tim Wear, Rich McAuliff, Joshua Goodwin, Nina Jones, and Suzanne Parton	Patrol sergeant commends Acting Sergeant Pio and Officers Wear, McAuliff, Goodwin, Jones, and Parton for their work in handling an armed man who was attempting to break into an apartment to kill the occupants.
Officers Brian Kokesh and Ted Cablayan	Patrol sergeant commends Officers Kokesh and Cablayan for their “exceptional job and comprehensive handling of a high-risk call” involving a suicidal person.
Officers Dave Puente, Suzanne Parton, Steve Clark, Clark Hagemann, Trung Nguyen, John Farrar, Clark Pine, Brad Stewart, Brendon Kolding, Rob Mahoney, Bob Stevenson, and Ryan Beck	Patrol sergeant commends Officers Puente, Parton, Clark, Hagemann, Nguyen, Farrar, Pine, Stewart, Kolding, Mahoney, Stevenson, and Beck for their work in responding to a call of a man armed with a rifle on a neighborhood street, firing shots.
Sergeant Kevin Hastings and Officers Ryan Bailey, Rick Eads, and Tony Ferragamo	Harbor Unit lieutenant commends Sergeant Hastings and Officers Bailey, Eads, and Ferragamo for their handling of two incidents, one involving an occupied vehicle in the water and another involving a boat colliding with the Highway 520 Bridge.
Officers Vincent Feuerstein, Colin Carpenter, and Adam Elias	Acting patrol sergeant commends Officers Feuerstein, Carpenter, and Elias for their work in capturing two robbery suspects.
Lieutenant Dave Proudfoot, Sergeants Ryan Long and Ty Elster, Detectives Todd Novesedlak and Shandy Cobane, and Officers Marcus Inouye, Terry Whalen, Jason Dewey, Lilia Nesteruk, Jason Domholt, Simon Edison, David Simmons, Sarah Mulloy, and Blake Spaulding	Patrol lieutenant commends Lieutenant Proudfoot, Sergeants Long and Elster, Detectives Novesedlak and Cobane, and Officers Inouye, Whalen, Dewey, Nesteruk, Domholt, Edison, Simmons, Mulloy, and Spaulding for their 6-month long investigation into a significant prostitution and human trafficking ring along the Aurora Avenue corridor.
Detective Steve Kaffer	Anti-Crime Team sergeant commends Detective Kaffer for his exceptional work, over a 6-month period, resulting in the seizure of a large quantity of illegal drugs, associated cash, multiple vehicles, and many firearms.
Radio Dispatchers Kim Ybarra and Vonja Druger	Communications Section supervisor commends Dispatchers Ybarra and Kruger for performing “above and beyond the call of duty” in communicating with two callers to 911, one reporting a suspicious person and the other reporting a home invasion robbery.
Radio Dispatcher Kevin McEnerney	Communications Section supervisor commends Dispatcher McEnerney for handling a caller to 911 reporting a bank robbery by an armed suspect.
Officer Daniel Auderer	Patrol sergeant commends Officer Auderer for his work capturing a homicide suspect who had been featured prominently on a television broadcast.
Acting Sergeant Ron Martin and Officer Anthony Ducre and Lauren Hill	Acting patrol lieutenant commends Acting Sergeant Martin and Officer Ducre and Hill for their work responding to a call of a highly agitated person, high on drugs, being a threat to himself and others, and resolving the matter safely with the use of minimal force.

March 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.

STANDARDS OF CONDUCT: LAWS

Synopsis	Action Taken
A man delivered a hand-written letter to a precinct captain stating that he had been assaulted and "had a suspicion" that the suspect was a law enforcement officer. The complainant provided no additional information and advised the captain not to "advance the matter to prosecuting attorneys."	Administrative Violation of Law (Assault) – Administratively Inactivated OPA attempted to obtain further information, including making contact with the complainant's family in order to contact the complainant. Family members indicated that the complainant suffered from mental health issues, was homeless, and likely would not be contacting the family further due to an active protection order prohibiting him from contacting his family. Due to vagueness of the information provided, the lack of investigative leads, and the inability of OPA to contact the complainant, the case was inactivated pending further information warranting re-activation of the case.
The complainant, with whom the named officer was involved in a traffic collision while off-duty and driving his personal vehicle, alleged that the named officer threatened or harassed the complainant in a subsequent phone message.	Administrative Violation of Law (Harassment) – NOT SUSTAINED Without the benefit of an audio recording of the phone message at issue, the evidence did not permit an evaluation of the emotion or nuanced tone of the phone message, and the transcribed words of the message, alone, were insufficient to establish that it was intended to threaten or harass. Though not investigated as misconduct, the issue came up as to whether an officer can be photographed in uniform for non-police forms of identification. Such an ID might create an appearance of impropriety and OPA has requested a review of whether there should be policy on point.
The complainant alleged that the named officer brushed him with his patrol car as he drove by, causing injury to his arm, and failed to stop and render aid, as required by law.	Administrative Violation of Law (Hit & Run Injury Accident) – UNFOUNDED The evidence demonstrated that the alleged misconduct did not occur. The evidence, including investigation by another law enforcement agency, established that the complainant likely suffered from mental health issues. The investigating law enforcement agency made an involuntary commitment of the complainant to a hospital so he could receive appropriate care for his condition.

STANDARDS OF CONDUCT: INTEGRITY

Synopsis	Action Taken
Two complainants, employees at a sun tanning salon, alleged that the named officer, telling them that he was an undercover Seattle Police officer working on his tan for his undercover work, attempted to use his position as a police officer to obtain a lower price for the tanning service.	<p>Integrity/Seeking Gratuities – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated that while the named officer did not directly solicit a discounted price for the tanning service, it did appear that the named officer created at least the appearance of attempting to use his position to influence the price of the tanning service by repeatedly making reference to his employment as a Seattle Police officer working an undercover assignment.</p> <p>Corrective action: The supervisor of the named officer discussed with him the importance of avoiding even the appearance of soliciting gratuities, including emphasizing to someone during a commercial transaction that he is a Seattle Police officer.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
The complainant, whom the named officers had stopped for a traffic violation, alleged that named officer #1 “leered” at her in an inappropriate manner and that named officer #2 asked her for her telephone number for a non-law enforcement purpose. Additionally, OPA added an allegation against named officer #2 for failure to use the in-car video system during the traffic stop.	<p>Named officer #1 Allegation: Lack of Professionalism/Courtesy – UNFOUNDED</p> <p>Named officer #2 Allegation #1: Professionalism/Courtesy – SUPERVISORY INTERVENTION Allegation #2: Failure to Use In-Car Video System – EXONERATED</p> <p>The evidence demonstrated that named officer #1 was not looking at the complainant in any way that reasonably could be interpreted as an inappropriate manner.</p> <p>The evidence demonstrated that named officer #2 had no need to request the complainant’s telephone number but that this misunderstanding could be reasonably attributed to named officer #2 being a new officer in the Field Training Program. The evidence demonstrated that named officer #2 could have avoided this perception of complainant’s by simply explaining to her his reasoning for requesting her telephone number.</p> <p>The evidence demonstrated that named officer #2 was not in violation of the Department’s in-car video policy because he was being instructed by named officer #1, his Field Training Officer.</p> <p>Corrective action: None was taken with named officer #2 because before it could be taken he had resigned from employment with the Department.</p> <p>OPA made a recommendation that all Field Training Officers be trained to use in-car video and require usage by their trainees.</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Complainant, whom named officer was assisting with a situation involving a child custody dispute, alleged that the named officer exercised poor discretion while discussing the situation with complainant and failed to properly identify herself to the complainant in violation of Department policy. OPA added the allegation for failure to use the in-car video system.	<p>Allegation #1: Professionalism/Lack of Discretion – EXONERATED Allegation #2: Professionalism-Duty to Identify – UNFOUNDED Allegation #3: Failure to Use the In-Car Video System – EXONERATED</p> <p>The evidence demonstrated that the named officer conducted herself appropriately and did not engage in the misconduct alleged. The named officer did not use the in-car video system because the evidence demonstrated that it was not required under the circumstances.</p> <p>The issue of use of audio only with the in-car video system will be included in the on-going audit of in-car video related issues.</p>

STANDARDS OF CONDUCT: RULES/REGULATIONS

Synopsis	Action Taken
It is alleged that the named officer was absent from duty without justification on several occasions and that the named officer was insubordinate toward supervisors attempting to address his behavior.	<p>Allegation #1: Unauthorized Absence from Duty – SUSTAINED Allegation #2: Insubordination – SUSTAINED</p> <p>The evidence established that the named officer was absent from duty without justification and that he was insubordinate to supervisors attempting to address the situation.</p> <p>Corrective action: Termination from employment.</p>
The complainant, whom the named officers had stopped for a pedestrian violation, alleged that the named officers lacked justification to stop him, inappropriately searched him, and made a discourteous remark to him.	<p>Named officer #1 Allegation #1: Improper Search – EXONERATED Allegation #2: Lack of Discretion – EXONERATED</p> <p>Named officer #2 Professionalism/Lack of Courtesy – SUPERVISORY INTERVENTION</p> <p>Named officer #3 Allegation: Lack of Discretion – EXONERATED</p> <p>The evidence demonstrated that the named officers were justified in stopping the complainant for the pedestrian violation and patting him down for weapons. The evidence also demonstrated that named officer #2's gratuitous comment about the complainant resembling a contemporary music personality reportedly associated with gangs and violence was not necessary.</p> <p>Corrective action: The supervisor of named officer #2 discussed with him the importance of avoiding comments that do not contribute constructively to the matter being addressed.</p>

STANDARDS OF CONDUCT: RULES/REGULATIONS

Synopsis	Action Taken
Complainant, who alleged she had been assaulted by a group of unknown suspects, alleged unknown officers failed to take appropriate enforcement action against her assailants and that other unknown officers, who had dispersed pepper spray, some of which contacted the complainant, in response to a large disturbance being addressed in the area, failed to provide the complainant proper medical care for the pepper spray exposure.	<p>Unknown officer(s) Allegation #1: Failure to Take Appropriate Action – UNFOUNDED Allegation #2: Failure to Provide Medical Aid – UNFOUNDED</p> <p>The evidence demonstrated that many officers were responding to a large-scale fight disturbance in the Belltown area of downtown Seattle, around 0200 hours, involving several hundred people in the area. The evidence did not link the alleged misconduct to any particular officer and the confusion of the situation did not allow a determination of whether any misconduct occurred.</p>
Complainant alleged that the named officer failed to take a police report of an incident the complainant was attempting to report.	<p>Allegation: Failure to Take Appropriate Action – UNFOUNDED</p> <p>The evidence, an e-mail complaint to OPA provided insufficient information to identify a named employee or any other investigative leads. Further, the complainant did not respond to multiple efforts from OPA to contact him to obtain further information needed to conduct an investigation.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant, whom the named officers had stopped for a pedestrian violation, alleged that the named officers used unnecessary force on him when subsequently arresting him for attempting to punch one of the named officers in the face through the open patrol car window after the pedestrian stop had been concluded.	<p>Two named officers Same allegation and finding for each: Unnecessary Use of Force – EXONERATED</p> <p>The evidence demonstrated that the named officers had justification for using force that was reasonable and necessary under the circumstances.</p>
Complainant, who was a passenger in a car whose driver was being arrested for DUI, alleged that the named officer, without justification, pushed him and taunted him. OPA subsequently added an allegation that the named officer failed to use an in-car video system during the event.	<p>Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Professionalism/Courtesy – UNFOUNDED Allegation #3: Failure to Use In-Car Video System – UNFOUNDED</p> <p>The evidence demonstrated that the named officer was justified in using minimal and un-reportable force to push the complainant away from another officer whom the complainant was quickly approaching after having refused to comply with multiple orders from officers to halt his advance. The evidence demonstrated that the named officer did not taunt the complainant but clearly and directly advised the complainant to not attempt to assault any officers since it appeared that the complainant was working himself up to confront officers. The evidence demonstrated that the named officer was a bicycle officer at the time of the event and, therefore, would not be using in-car video.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
<p>The named officers had been dispatched to an apartment unit to investigate a 911 call of a woman screaming “stop” and the sounds of “thumping” and something breaking coming from the unit. Upon arriving and investigating the matter, the named officers took custody of the woman from the apartment unit and committed her for an involuntary mental health evaluation at a hospital. Subsequently, the woman’s male companion from the apartment alleged the named officer used unnecessary force in taking custody of the woman. OPA added the allegation of Failure to Report a Use of Force.</p>	<p>Three named officers</p> <p>Same allegations and findings for each named officer</p> <p>Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Failure to Report a Use of Force – UNFOUNDED</p> <p>The evidence demonstrated that the named officers were justified in using minimal and necessary force to control the woman and to assist Seattle Fire Department Medics in taking custody of her so she could be transported to a hospital for appropriate mental health evaluation and care. The evidence demonstrated that the force used was so minimal as to constitute un-reportable force. Therefore, the named officers did not violate Department policy regarding reporting the use of force.</p>
<p>The named officers had been dispatched to a convenience store regarding a 911 call from the store clerk that an intoxicated woman was causing a disturbance inside the store and kept coming in and out of the store, disregarding commands by the store clerk that she control herself. Four months after the event, the woman’s boyfriend filed this complaint alleging that the named officer used unnecessary force on the woman when handling her.</p>	<p>Two named officers</p> <p>Same allegation and finding for each named officer</p> <p>Unnecessary Use of Force – UNFOUNDED</p> <p>The evidence demonstrated that the named officers initially requested an ambulance to transport the woman to a detoxification facility but before the ambulance could arrive, the named officers ended up arresting the woman because she became upset and kicked one of the officers several times in his legs. The named officers handcuffed the woman and booked her into jail for assault. The evidence demonstrated that the officers used minimal, un-reportable force to handcuff woman.</p>
<p>The complainant, who is the mother of two teenage sons whom the named officers were attempting to escort from a community center after they had been advised that they were no longer welcome at the late-night event for youth, alleged that the named officers used unnecessary force when arresting her children and refused to properly identify themselves.</p>	<p>Two named officers (one officer unknown)</p> <p>Same allegations and findings for each named officer</p> <p>Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Professionalism/Failure to Identify – UNFOUNDED</p> <p>The evidence demonstrated that the named officers used reasonable and necessary force to control and arrest the complainant’s sons, and properly reported their actions. The evidence, including 911 Radio tapes, demonstrated that the complainant was able to identify the officers.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
The two complainants, whom the named officers had been asked to escort from a residence at which they had been guests and were refusing to leave, alleged that the named officers use unnecessary force when escorting them from the property.	<p>Named officer #1 Allegation: Unnecessary Use of Force – EXONERATED</p> <p>Named officer #2: Allegation #1: Unnecessary Use of Force – EXONERATED Allegation #2: Failure to Use In-Car Video System – UNFOUNDED</p> <p>The evidence demonstrated that the named officers used reasonable and necessary force to remove the uncooperative guests from the property and that they appropriately reported their use of force. The Department's in-car video policy was not violated because the action of this event was inside a residence, outside the parameters of the video policy.</p>
The complainant, whose son officers had arrested for a felony warrant after a brief foot pursuit and struggle, and who was not present at the time of the arrest, later alleged that the an officer used unnecessary force when subduing and arresting her son.	<p>Unknown officer Allegation – Unnecessary Use of Force – ADMINISTRATIVELY UNFOUNDED</p> <p>The evidence demonstrated that officers properly documented the event and that the arrestee did not complain of any mistreatment by an officer. In-car video did not capture any apparent misconduct.</p>

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.

Mediation Program:

The OPA Director selected 6 cases to be resolved through the Mediation Program during March 2011.

Of the 6 cases selected for the Mediation Program, 1 complainant declined to participate, 1 officer declined to mediate complaint, 1 officer has not responded and 1 case is scheduled for mediation. In 1 case, the complaint has not responded to OPA correspondence and 1 case the complainant is out of the country until April.

Cases Opened (2010/2011 by Month Comparison)

	PIR		SR		LI		IS		TOTAL	
Date	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
1/1-1/31	8	9	8	8	1	1	12	19	29	37
2/1-2/28	18	19	9	5	1	1	16	17	44	42
3/1-3/31	30	12	6	7	1	3	16	10	53	32
4/1-4/30	31		9		3		13		56	0
5/1-5/31	15		10		3		23		51	0
6/1-6/30	25		14		1		13		53	0
7/1-7/31	23		10		1		18		52	0
8/1-8/31	20		6		3		12		41	0
9/1-9/30	16		9		4		17		46	0
10/1-10/31	13		9		5		17		44	0
11/1-11/30	12		16		8		19		55	0
12/1-12/31	18		13		2		13		46	0
Totals	229	40	119	20	33	5	189	46	570	111

Complaint Classification

Preliminary Investigation Report (PIR) complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.

Supervisory Referral (SR) complains are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.

Line Investigations (LI) complaints involving minor misconduct are investigated by the officer's chain of command.

Investigation Section (IS) complaints are more complex and involve more serious allegations and are investigated by OPA-IS.

