

Office of Professional Accountability (OPA) Commendations & Complaints Report Aug 2007

Commendations:

Commendations Received in Aug: 17

Commendations Received to Date: 113

<i>Caylor, Gregg Witt, Renee</i>	Lieutenant Caylor and Officer Witt received a commendation from the Charlotte-Mecklenburg Police Department in North Carolina for their professionalism, patience, and devotion to the Seattle Police Department. They were very helpful and prompt with assisting the Charlotte-Mecklenburg Police Department with information about the Part-Time police employment program.
<i>Chan, Edward Elias, Adam Ferreira, Alvaro Kokesh, Brian Lazarou, Pete Thompson, Jeffery</i>	Officers were commended for their quick responses to reported stolen vehicles equipped with a silent alarms. The vehicles were tracked and recovered within minutes of the alarm activations.
<i>St John, Pamela</i>	Detective St. John was commended for her participation at the Vulnerable Adult Summit in June 2007. Her dedicated time and resources to identifying issues and barriers facing one of Washington's fastest growing and most vulnerable populations made the summit a tremendous success. Her participation will help guide the formation of multi-disciplinary work groups to identify viable solutions and recommendations which will, in turn, be compiled into a report that will be shared with the Summit and work group participants, as well as, other identified stakeholders.
<i>Pryor, James Pierce, Linda Olson, Marc McFarlane, Janet</i>	A letter of commendation was received by two Assistant Chiefs, a Lieutenant, and an Administrative Staff Assistant for their outstanding work in bringing together a multi-jurisdictional, multi-disciplinary panel of experts to discuss Homeland Security efforts underway in Seattle.
<i>McLeod, Amber Foley, David</i>	A letter was received by two officers commending them on their conduct and sensitivity with a difficult situation. The officers were respectful to the mother and staff and worked well with the child in crisis. They were also very knowledgeable about issues relating to the situation, including children who have witnessed domestic violence, parenting challenges, and ramifications of parenting after leaving a domestic violence situation.
<i>Jelcick, Debra</i>	Sgt. Jelcick received a commendation for her significant contributions to the Critical Infrastructure/Key Resource Asset Protection Technical Assistance Program training event in Seattle and her continued support for the

	Automated Critical Asset Management System Project. She has been an invaluable contributor to the Project, has been instrumental in spreading the word to agencies in the region and across the country, and bringing the private sector into the collaboration of protecting our region is monumentally important.
<i>Craig, Jerome</i>	Detective Craig received a letter of commendation for coming to the aide of another agency's investigation by securing a line up room in a short time frame for a twice-convicted sex offender case. By setting up these arrangements, three girls were able to pick out the defendant, who was sentenced to life in prison without the possibility of parole.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

Aug 2007 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
<p>It is alleged that the named employee, while off-duty, was verbally abusive, discourteous, and belligerent toward police officers and sheriff's deputies when they temporarily detained the employee as a suspect in a suspicious circumstances/man with a gun 911 call at a business in another jurisdiction.</p> <p>The subsequent OPA-IS investigation into this incident discovered that the named employee had not qualified with the off-duty weapon he had in his possession during the incident.</p>	<p>Based upon a preponderance of the evidence, it is more likely than not that the named employee exercised poor discretion and was unprofessional in his words and actions when interacting with the police officers and sheriff's deputies responding to the suspicious circumstances 911 call in which he was the suspect. Though the officers and deputies found no criminal conduct by the named employee, the behavior of the named employee, even when viewed in light of his belief that he may have been treated wrongly because of his size and skin tone, was unprofessional. Finding Professionalism—SUSTAINED.</p> <p>The OPA-IS investigation into this incident discovered that the named employee had not qualified with his off-duty weapon as mandated by Departmental policy. Finding Qualification—SUSTAINED.</p>
<p>It is alleged that the named supervisor stopped, detained, and handcuffed the complainant and his companion for no apparent reason. It is further alleged that the named supervisor drove the companion to a nearby location and released him, without screening the detention with another supervisor.</p>	<p>The named supervisor's actions were found to be reasonable due to officer safety implications. Once it was determined that no crime had occurred between the complainant and companion, who were both intoxicated at the time of contact, they were released. The incident was documented and screened by another supervisor. Finding—EXONERATED.</p>

STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
The complainant alleged the named employee, when processing the complainant and three other arrestees after a narcotics arrest, misplaced the complainant's car key in a manner that allowed it to come into the possession of a companion arrestee, who subsequently used the key to take the complainant's car without authorization.	A preponderance of the evidence demonstrated that the named officer accidentally placed the complainant's car key in the property bag of a companion arrestee; thereby, failing to provide for the safekeeping of the complainant's car key. Finding—SUPERVISORY INTERVENTION.
The complainant alleged the named employees, when arresting the complainant, took possession of his wallet and did not either return it to him or check it into the custody of the jail or property room.	A preponderance of the evidence could neither prove nor disprove the allegation. The complainant recalls both named employees having had possession of his allegedly lost wallet at different times while in contact with the complainant. The named employees deny having seen or possessed complainant's wallet. There are no third-party witnesses or other evidence to the alleged possession of the wallet by either of the named employees. Finding—NOT SUSTAINED.
The complainant alleged that the named employee had possession of his wedding ring when arresting him and that the complainant did not receive his ring back upon being released from the jail.	A preponderance of the evidence established that the complainant's allegation is without merit. The ring was listed on the jail's property inventory sheet at the time of booking. It is also noted that the ring was returned to the complainant when he was released from jail. Finding—ADMINISTRATIVELY UNFOUNDED.

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
It is alleged that the named employee failed to take a fraud report per Department policy.	A preponderance of the evidence could neither prove nor disprove the allegation. The witness stated she spoke with the named employee and he advised her to speak with hotel management regarding the unauthorized, additional charges made by an invited guest. Finding—NOT SUSTAINED.
The complaint alleged the named employee was	A preponderance of the evidence demonstrated that the traffic stop was lawful, completed within a

abrupt with him and unnecessarily extended the length of the stop by talking on a cellular phone for several minutes during a traffic stop.	reasonable length of time, and that the employee had not used his cellular phone during the contact. Finding—UNFOUNDED.
The complainant reports that the named employee was unprofessional and discourteous when she allegedly created a disturbance on a Metro bus by verbally arguing with the driver of the bus, distracting him from his duties, while off-duty and in uniform.	The named employee, while wearing her Parking Enforcement uniform on the way to work, acted in an unprofessional and discourteous manner when loudly expressing her displeasure with the Metro driver. There were other passengers on the bus and the named employee's behavior distracted the driver from giving his full attention to the safe operation of the bus. Finding—SUSTAINED.
The complainant alleged that the named employee grabbed his son by the lapels for no reason, dragged him over to a car that had been involved in a rollover accident, and yelled at him while shaking him.	The named employee was investigating a traffic accident and the complainant's son was distracting the employee by taking pictures of the crime scene with his cellular phone. The complainant's son ignored repeated verbal requests from the employee to leave the scene. The employee gained the son's attention by grabbing onto his coat and escorting him to a nearby patrol car where another employee escorted him away from the accident scene. An independent witness and other employees nearby did not hear the named employee yell or see the employee act unprofessionally. Finding—NOT SUSTAINED.
The complainant alleged that the named employees pushed her outside and ordered her to wait while her estranged husband picked up his belongings.	The complainant did not cooperate with the investigation and ignored repeated requests for a statement. The investigating supervisor did speak with the complainant's daughter, who stated she was present during the incident, and that the employees were polite and professional during the contact. She further stated that the complainant did not return any messages because the complainant did not want to continue making false statements. Finding—UNFOUNDED.
The complainant alleged that he came in contact with the named employee outside of the East Precinct and obscenities were exchanged when they	The preponderance of the evidence can neither prove nor disprove that the allegation occurred. Finding—NOT SUSTAINED.

passed each other in the crosswalk.	
The complainant alleged that the named employee used profanity during a traffic stop where no violation had occurred and that the employee only issued the citation after the complainant accused the employee of violating his civil rights.	<p>The complainant was cited for a right of way violation. It was determined that the named employee was rude during the traffic stop, which was witnessed by another employee. Finding—SUPERVISORY INTERVENTION.</p> <p>The preponderance of the evidence does not support the allegation of profanity. Finding Profanity—UNFOUNDED.</p>
The complainant alleged that the named employee, while in partial police uniform, in a saloon/bar where he was stopping to get a food to go order, acted unprofessionally by locking the complainant in a closet, handcuffing her to a bar stool, and repeatedly going behind the bar after the complainant instructed him not to do so.	The named employee stated that he had stopped by the saloon/bar to pick up some food to go. The named employee described his actions as “horse play,” which had occurred inside a public tavern filled with up to 30 patrons. It was determined that his behavior led the complainant and witness to question his professionalism and reflected poorly on the Department. Finding Courtesy & Recognizable Uniform—SUSTAINED.

UNNECESSARY FORCE

Synopsis	Action Taken
<p>The complainant alleged the named employee and unknown employees used excessive force when they slammed him to the ground, kicked him in the head repeatedly, and tased him while he was subdued on the ground causing injuries.</p> <p>The complainant also alleged the employees made unprofessional and racist remarks during the arrest.</p>	<p>There is no evidence to support that the named employees did anything inappropriate during the arrest of the complainant.</p> <p>An independent witness saw the complainant approach the named employees, who had detained his daughter for walking in the street and blocking traffic. The employees told the complainant to calm down and step back, but the complainant tried to brush past one employee and elbowed this employee in the face.</p> <p>The complainant was arrested for assaulting the employee and the force used during the arrest was deemed reasonable, proper, and necessary as it was done to rescue a police officer struggling with a much larger suspect. Finding Force—EXONERATED (two officers); UNFOUNDED (two</p>

	<p>officers).</p> <p>None of the other witnesses at the scene, civilian or sworn, heard the employees use any derogatory language. Their conduct was described as professional. Finding Language (all officers)—UNFOUNDED.</p>
<p>The complainant alleged that the named employee pushed him out of a business, onto the ground, and handcuffed him.</p> <p>The complainant further alleged that the second named employee grabbed the complainant's throat while he was standing in the jail pre-booking area.</p>	<p>A preponderance of the evidence demonstrates that the named employees used reasonable and necessary force to control an uncooperative and aggressive complainant, who at separate times had slapped the first employee in the face and pushed and struggled with second employee.</p> <p>It was determined that the second employee did not "choke" the complainant as alleged, that a patrol sergeant screened this incident at the time, and the incident was thoroughly documented. Finding—UNFOUNDED.</p>
<p>It is alleged that the named employee deployed her taser on the complainant before assessing the situation, where the employee was flagged down for a possible disturbance.</p>	<p>A preponderance of the evidence demonstrates that the named employee did not understand the nature of the incident and deployed the taser to stop the complainant from running away and to avoid chasing the complainant and leaving "other people" at the scene of the incident. The use of the Taser was not in compliance with Departmental policy regarding use of force. Finding—SUPERVISORY INTERVENTION.</p>

Aug Cases Mediated:

No complaints were mediated in August.

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.

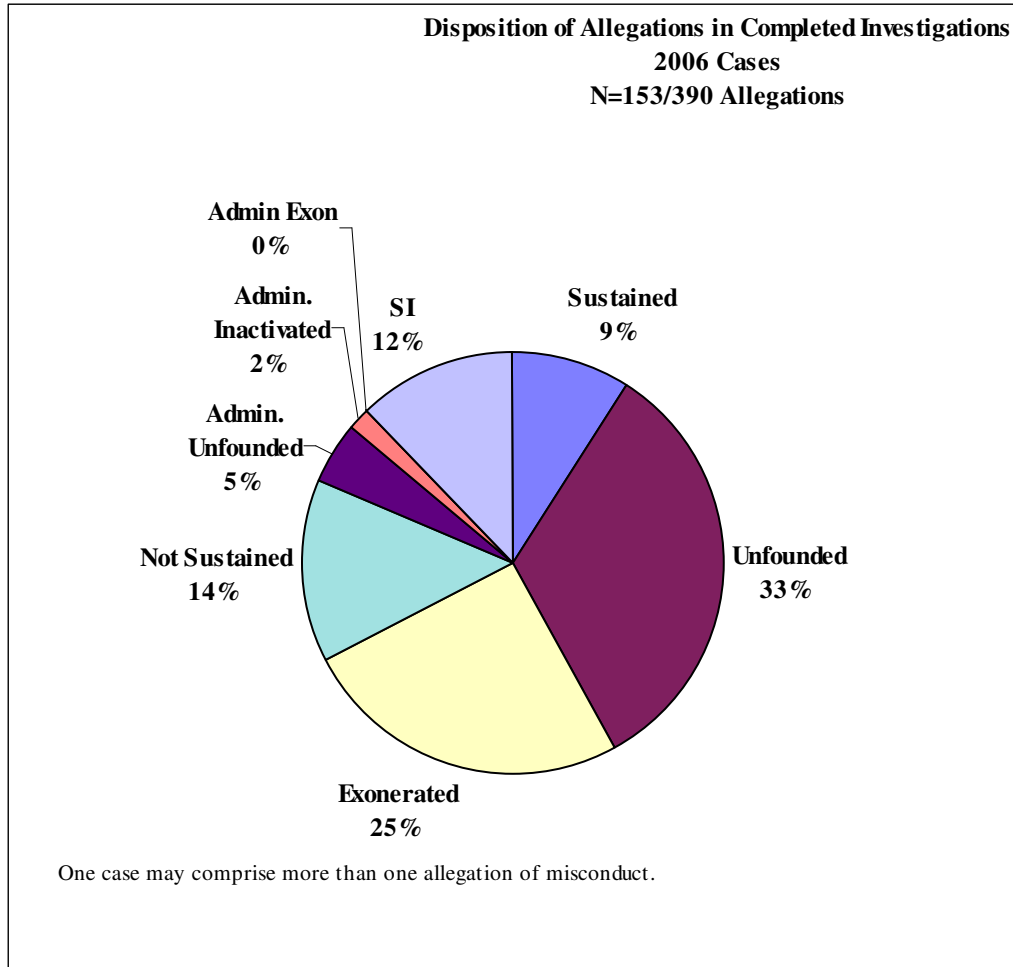
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals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

Status of OPA Contacts to Date:

2006 Contacts	Jan-Dec 2006
Preliminary Investigation Reports	282
Cases Assigned for Supervisory Review	86
Cases Assigned for Investigation (IS;LI)	153*
Commendations	397

*includes 2006 cases closed in 2007



2007 Contacts	Aug 2007	Jan-Aug 2007
Preliminary Investigation Reports	32	245
Cases Assigned for Supervisory Review	7	68
Cases Assigned for Investigation (IS;LI)	5	104
Commendations	17	113