

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Police Accountability Review Panel
FROM: Kathryn Olson
Director, Office of Professional Accountability
SUBJECT: Sample OPA Complaint Closure Letters

DATE: November 1, 2007

During the October 22, 2007 meeting of the Police Accountability Review Board, a request was made that the Office of Professional Accountability provide sample closure letters sent to complainants following an investigation of their complaint. Attached are sample letters representing a variety of outcomes including unfounded, exonerated, not sustained, supervisory intervention, and sustained findings.

SAMPLE OPA COMPLAINT CLOSURE LETTERS
Unfounded Finding

September 27, 2007

[REDACTED]

RE: IS-OPA File # [REDACTED]

Dear Ms. [REDACTED]:

The investigation of your complaint regarding the conduct of a Seattle Police Department employee is complete. Your allegation of unacceptable conduct is important to us and we appreciate you taking the time to convey your concern.

The evidence in these investigations is evaluated using the legal proof standard of a preponderance of the evidence. This means, to establish the allegation, the evidence must show more likely than not the conduct of the named employee constitutes the misconduct alleged.

In this case, evidence from the following sources was evaluated:

- Your statement
- Statement of witness [REDACTED]
- Parking citation # [REDACTED]
- Statement of Parking Enforcement Officer [REDACTED]

We have thoroughly evaluated the information available in this case and have determined the evidence fails to state a claim of misconduct, i.e., there is no indication the employee acted inappropriately. Therefore, this case is closed with a finding of Unfounded.

A record of this case is now documented in the employee's complaint file that is maintained by the Office of Professional Accountability-Investigations Section of the Seattle Police Department.

Again, thank you for conveying your concern to us. If you have a question or wish to discuss this matter further, please feel welcome to contact Sgt. Rogers of our Office of Professional Accountability-Investigation Section at 684-8797.

Sincerely,

R. Gil Kerlikowske
Chief of Police

Captain Tag Gleason
Office of Professional Accountability
Investigation Section

TAG/BJR/lt

cc: Investigative File

SAMPLE OPA COMPLAINT CLOSURE LETTERS
Exonerated Finding

September 12, 2007

[REDACTED]

RE: IS-OPA File # [REDACTED]

Dear [REDACTED]:

The investigation of your complaint regarding the conduct of a Seattle Police Department employee is complete. Your allegation of unacceptable conduct is important to us and we appreciate you taking the time to convey your concern.

The evidence in these investigations is evaluated using the legal proof standard of a preponderance of the evidence. This means, to establish the allegation, the evidence must show more likely than not the conduct of the named employee constitutes the misconduct alleged.

In this case, evidence from the following sources was evaluated:

- The paperwork you submitted with regards to your complaint
- SPD Incident Reports [REDACTED] & [REDACTED]
- SPD Use of Force for [REDACTED]
- The Seattle Fire Department Medical Incident Report
- Officer Statements

We have thoroughly evaluated the information available in this case and have determined the evidence establishes that the conduct of the employee was appropriate and consistent with the policies and practices of the Seattle Police Department. Therefore, this case is closed with a finding of Exonerated.

A record of this case is now documented in the employee's complaint file that is maintained by the Office of Professional Accountability-Investigations Section of the Seattle Police Department.

Again, thank you for conveying your concern to us. If you have a question or wish to discuss this matter further, please feel welcome to contact Sgt. Edwards of our Office of Professional Accountability-Investigation Section at (206) 684-8797.

Sincerely,

R. Gil Kerlikowske
Chief of Police

Captain Tag Gleason
Office of Professional Accountability
Investigation Section

TAG/

cc: Investigative File

SAMPLE OPA COMPLAINT CLOSURE LETTERS
Not Sustained Finding

October 4, 2007

[REDACTED]

RE: IS-OPA File # [REDACTED]

Dear [REDACTED]:

The investigation of your complaint regarding the conduct of a Seattle Police Department employee is complete. Your allegation of unacceptable conduct is important to us and we appreciate you taking the time to convey your concern.

The evidence in these investigations is evaluated using the legal proof standard of a preponderance of the evidence. This means, to establish the allegation, the evidence must show more likely than not the conduct of the named employee constitutes the misconduct alleged.

In this case, evidence from the following sources was evaluated:

- Seattle Police Incident Report
- The Computer Aided Dispatch Log
- King County Jail Property Form
- Your Statement
- Statement of [REDACTED]
- Two Statements From a Witness Officer
- Statements from the Named Officers

We have thoroughly evaluated the information available in this case and have determined the evidence is insufficient to either prove or disprove the misconduct alleged. Therefore, this case is closed with a finding of *Not Sustained*.

A record of this case is now documented in the employee's complaint file that is maintained by the Office of Professional Accountability-Investigations Section of the Seattle Police Department.

Again, thank you for conveying your concern to us. If you have a question or wish to discuss this matter further, please feel welcome to contact Sgt. Woolery of our Office of Professional Accountability-Investigation Section at (206) 684-8797.

Sincerely,

R. Gil Kerlikowske
Chief of Police

Captain Tag Gleason
Office of Professional Accountability
Investigation Section

TAG/RSW/lt

cc: Investigative File

SAMPLE OPA COMPLAINT CLOSURE LETTERS
Supervisory Intervention Finding

June 26, 2007

[REDACTED]

RE: IS-OPA File # [REDACTED]

Dear [REDACTED]:

The investigation into your complaint regarding the conduct of a Seattle Police Department employee has been completed. This has been a thorough and exhaustive examination of facts, and I appreciate your patience.

Your allegation that a Seattle Police officer accepted gratuities received priority attention and was reviewed by our section command staff prior to being assigned for a comprehensive investigation. In this case, the facts gathered as a result of the investigation included the following:

- Your statement
- The officer's statement
- Statement from the restaurant employee
- SPD Polices
- Computer resource hisotry for the officer on 3-19-2007

After a careful and objective analysis of all the information, it was determined that the actions of the named employee did not meet the expectations of the Seattle Police Department. Although the facts do not support a sustained finding, the information in this complaint does indicate that the employee may not have incorporated best practices. Based on this, the employee's supervisor has been directed to review the entire incident with the employee, to include all related training and policy procedures. This review will be documented and placed in our investigative file.

Should you have further questions or concerns, please feel free to contact the Investigation Section at (206) 684-8797.

Sincerely,

R. Gil Kerlikowske
Chief of Police

Captain Tag Gleason
Investigation Section Commander
Office of Professional Accountability

TAG/rsw

cc: Investigative file

SAMPLE OPA COMPLAINT CLOSURE LETTERS
Sustained Finding

April 26, 2007

[REDACTED]

RE: IS-OPA File # [REDACTED]

Dear [REDACTED]:

The investigation into your complaint regarding the conduct of a Seattle Police Department employee has been completed. This has been a thorough and exhaustive examination of facts, and I appreciate your patience.

Your allegation that a Seattle Police employee conducted himself in an unprofessional manner and directed derogatory language towards you received priority attention and was reviewed by our section command staff prior to being assigned for a comprehensive investigation. In this case, the facts gathered as a result of the investigation included the following:

- Complaint letter from [REDACTED]
- Internal SPD memoranda
- Statements of PEO [REDACTED]
- Copy of citation
- Communications CD

Once completed, this investigation was evaluated using the legal standard of proof of preponderance of evidence. This means that the evidence must show that, more likely than not, the employee's actions constitute misconduct. Basically, there are six possible findings; Sustained, Not Sustained, Exonerated, Unfounded, Administratively Unfounded and Administratively Inactivated.

After a careful and objective analysis of all the information, the facts gathered in this case were conclusive. The evidence does indicate that the actions of the named employee were inappropriate. Therefore, this case has been closed with a finding of Sustained. The named employee will be facing discipline in this matter, pending his right to appeal this decision.

Thank you for bringing this matter to our attention. Public scrutiny is absolutely critical as we strive to build public trust and confidence and bring the best police services to our citizens. Should you have further questions or concerns, please contact Sgt. Shane Anderson of the Investigations Section at (206) 684-8797.

Sincerely,

R. Gil Kerlikowske
Chief of Police

Captain Neil Low
Investigations Section Commander
Office of Professional Accountability

NEL/STA

cc: Investigative file