

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO Lt. Jim Fitzgerald
Office of Professional Accountability—Investigation Section

FROM Kathryn Olson, Director
Office of Professional Accountability

DATE June 22, 2011

SUBJECT CERTIFICATION OF COMPLETION AND OPA DISPOSITION

I have reviewed the following OPA-IS investigation, the proposed disposition of the Investigation Section, and the comments and input of the command staff:

OPA-IS Case Number:	IS 11-0006
180-Day Expiration Date (SPOG):	08/07/11
Named Employee #1:	Huber, Jonathon D Officer #6338
Allegation #1:	Honesty
Allegation #2:	Arrest Procedures/Policy
Named Employee #2:	Velliquette Jr, John W. Officer #6349
Allegation #1:	Honesty
Allegation #2:	Arrest Procedures/Policy
Named Employee #3:	Young Jr, Jonathan Officer #5162
Allegation #1:	Honesty
Allegation #2:	Arrest Procedures/Policy

Proposed OPA-IS Disposition:

Named Employee #1:	Huber, Jonathon D Officer #6338
Allegation #1:	Honesty—Supervisory Intervention
Allegation #2:	Arrest Procedures/Policy—Exonerated
Named Employee #2:	Velliquette Jr, John W. Officer #6349
Allegation #1:	Honesty—Sustained
Allegation #2:	Arrest Procedures/Policy—Exonerated
Named Employee #3:	Young Jr, Jonathan Officer #5162
Allegation #1:	Honesty—Supervisory Intervention
Allegation #2:	Arrest Procedures/Policy—Exonerated

Pursuant to SMC 3.28.810(F), I certify the completion of the investigation and the following disposition:

OPA Certified Disposition:

Named Employee #1:	Huber, Jonathon D Officer #6338
Allegation #1:	Honesty—Supervisory Intervention
Allegation #2:	Arrest Procedures/Policy—Supervisory Intervention
Named Employee #2:	Velliquette Jr, John W. Officer #6349
Allegation #1:	Honesty—Supervisory Intervention
Allegation #2:	Arrest Procedures/Policy—Supervisory Intervention
Named Employee #3:	Young Jr, Jonathan Officer #5162
Allegation #1:	Honesty—Supervisory Intervention
Allegation #2:	Arrest Procedures/Policy—Supervisory Intervention

The OPA Director's Certification is revised to add on a recommendation that, in the future, there should be a regular audit of DUI arrest screening procedures:

OPA-IS recommended a finding of Exonerated on the allegation involving Arrest Procedures/Policy against the three named employees, Officers Jonathon Huber, John Velliquette, and Jonathan Young, for the reasons summarized in Lt. Fitzgerald's Proposed Disposition Memorandum. There was also a recommendation for a Supervisory Intervention finding on the Issue of Honesty against Officers Huber and Young, and Sustained on Honesty against Officer Velliquette. Following a meeting to review the investigation and proposed findings, Deputy Chief Metz determined that there should be a Supervisory Intervention on both allegations (Arrest Procedures/Policy and Honesty) against all three named employees. I concur.

The Traffic Section Commander conducted an audit of his DUI Unit and discovered Officers Huber and Young's routine use of their sergeant's signature stamp on reports, as well as Officer Velliquette's practice of adding a written statement in his reports indicating that his sergeant had screened his arrests, even though the sergeant had never actually reviewed the arrests or reports involved. Department policy requires in person screening with an arrested person. Witnesses indicated the DUI sergeant (whose role is being addressed in a separate investigation) had told them he "pre-approved" their arrests and offered his signature stamp, that the stamp was used to satisfy SPD's data center and not to deceive, and that the practice ("pre-approving" arrests unless there were aggravating circumstances such as use of force) dated back 20-25 years. The rationale for this pre-approval and pre-screening approach seems to be based on two assumptions: (1) most agencies do not require DUI arrest screening since the majority of DUI suspects are released after processing, and (2) these DUI officers are the Department's experts in the identification, arrest, processing and courtroom presentation of evidence for the prosecution of SPD DUI cases and it is unnecessary to have a (sometimes) less knowledgeable sergeant reviewing their reports.

To support the assertion that supervisory signatures are not a legal requirement, Officer Velliquette noted he is authorized to use, and in fact routinely uses, the WA State Patrol's DUI paperwork which has no approving authority signature block. Because he had been told by his sergeant that his arrests were pre-screened but there was no signature block, Officer Velliquette affirmatively wrote in his reports that the arrests had been screened.

OPA-IS recommended a Supervisory Intervention to allow for training with Officers Huber and Young about SPD arrest screening policy requirements. The recommendation for a Sustained finding for Officer Velliquette was grounded in the notion that he had gone a step further than using the signature stamp in affirmatively writing that his sergeant had screened his arrests. Because this appears to be a distinction of form rather than substance, and given the past practice situation and lack of any intent to deceive, it is appropriate to make a Supervisory Intervention finding on Honesty for all three named officers. Also, because there is overlap in the Arrest Procedures/Policy and Honesty allegations, it is appropriate that there be a Supervisory Intervention for all three employees on both allegations. In no uncertain terms, the employees should be reminded of the need to follow Departmental policy and to question direction from a superior to the contrary. Also, it is recommended that the Traffic Section institute a regular audit of DUI Unit arrest screening procedures.