

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR cyh PJ*
Internal Affairs Section

DATE: September 23, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0047

Complainant:

Mr. Nicholas A. Brugato
2825 Delin Street
Tacoma, WA 98402
253.733.9339

On June 22, 2022, Mr. Brugato contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0047.

Allegations: Vehicle Operations

COMPLAINT SUMMARY

Mr. Brugato alleges inappropriate vehicle operations by the officer

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Upon initial contact with Mr. Nicholas Brugato, he stated he was driving home from work through the City of Fife. He stopped at McDonald's on Pacific Highway E in Fife to get dinner. He continued to Tacoma, turning onto Puyallup Avenue. A patrol vehicle was stopped on the right shoulder of the 1400 block of Puyallup Avenue. As he approached the patrol vehicle, the patrol vehicle initiated an aggressive U-turn, cutting in front of him and cutting him off. He advised he had to dynamite his brakes to avoid T-boning the patrol vehicle. When doing so, his dinner "went flying." His food ended up all over the floor of his vehicle, out of the McDonald's bag, and it was no longer edible.

Officer Stieben was contacted and interviewed regarding this complaint. She stated she did make a U-turn from a standing position on the side of the roadway. The emergency lights on her patrol SUV were not activated. She looked in her mirrors and turned in her seat to make sure the roadway was clear prior to conducting the maneuver, but she simply did not see Mr. Brugato's approaching vehicle. Officer Stieben remembered the citizen vehicle slowed but did not stop; it proceeded down the roadway after she passed.

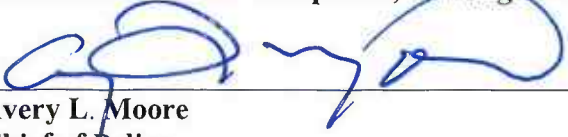
Multiple attempts to re-contact Mr. Brugato for additional information via phone were unsuccessful.

FINDINGS

An investigation into this complaint was conducted to include an initial interview of the complainant and Officer Stieben. The investigation was then reviewed by the officer's chain of command. The allegation of Vehicle Operations against the involved officer is concluded as **Not Sustained**, which is a final

disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

December 2, 2022

Mr. Nicholas Brugato
2825 Delin Street
Tacoma, WA 98402

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0047

Mr. Brugato

On June 22, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0047.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegation Vehicle Operations. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GOR*
Internal Affairs Section

DATE: September 23, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0054

Complainant:

Ms. Pearl L. Nunez
304 4th Avenue North #11
Edmonds, WA 98020
253.820.7346

On July 19, 2022, Ms. Nunez contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0054.

Allegations: Courtesy; Unsatisfactory Performance

COMPLAINT SUMMARY

Ms. Nunez alleges the officer did not cite a driver for no insurance and was not helpful.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Ms. Nunez was contacted regarding her complaint. She stated her car was unoccupied in the parking lot at her boyfriend's house on Friday, July 15, 2022, when her boyfriend's neighbor, Davien Harris, hit her car, causing a scrape on her bumper. She spoke to Mr. Harris, and he said he had insurance but did not have the card on him and that his mother had it. They did talk about the incident, and Mr. Harris stated he would rather pay for the repairs out of pocket rather than involve the insurance companies. Ms. Nunez left the location, driving home to Edmonds, without the insurance information and did not call the police. When she returned to Tacoma on Tuesday, July 19, she spoke with Mr. Harris and told him the cost was around \$700 to fix the bumper. Mr. Harris stated he wanted to use insurance based on the cost of the repairs, so Ms. Nunez called South Sound 911 (SS911) to get a police report for the incident.

Ms. Nunez stated that when Officer Morse showed up, she did not feel he handled the situation appropriately. She said the officer did not take her seriously and did not cite Mr. Harris for no insurance even though she had two witnesses. It was verified that Mr. Harris did have insurance when the police arrived, as it had been documented in the collision report. Ms. Nunez stated that she knows it is the law to have proof of insurance available when you are driving, and Mr. Harris did not have proof of insurance on that Friday. Ms. Nunez stated the officer should have issued a ticket to Mr. Harris on Tuesday, July 19, for the incident that occurred on Friday, July 15, when police were not contacted and were not on scene.

Ms. Nunez was made aware that since Officer Morse was not on scene on Friday but was called to the scene on Tuesday, he was able to obtain the insurance information from Mr. Harris when requested. It was not reasonable for the officer to issue a citation on Tuesday for what occurred on Friday. In order

for a no-insurance ticket to be issued, the officer would have to be present on Friday to request the proof of insurance and have it failed to be provided. Although Ms. Nunez stated she had two witnesses from Friday and both knew Mr. Harris had not provided the insurance information on that day, it was explained the police were not called and did not know anything about it on Friday. Alternate plans had been arranged by the involved parties on Friday. When Officer Morse was called and showed up, insurance information was provided.

A check of RCW 46.30.020 verified that it is not an infraction until the insurance information is requested by a law enforcement officer. As such, there was no violation of the RCW on Friday when the collision occurred as no police officers were contacted, responded or had requested evidence of insurance. This RCW was read to Ms. Nunez during the conversation, to which she stated she understood.

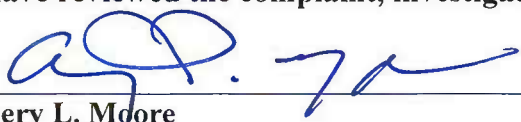
Ms. Nunez also stated she did not enjoy the interaction with Officer Morse. She felt the officer discounted her viewpoint and was not helpful. Besides her viewpoint that Mr. Harris should have received a ticket, she did not have any other instances of a courtesy or rudeness incident from Officer Morse.

A review was done of Officer Morse's body worn camera (BWC), and there was no observation of a courtesy violation. Officer Morse was advised the collision happened at least a few days ago, had very minimal paint transfer, and was not reported the day of. Officer Morse contacted both parties; inspected the damage to both vehicles; obtained license, insurance, registration information, etc., to facilitate an exchange of information form, which he provided to both parties. Further, Officer Morse wrote a police report and collision report.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, review of Washington State Law, as well as review of the body worn camera footage. The investigation was then reviewed by the officer's chain of command. The allegation of Unsatisfactory Performance against the involved officer is concluded as **Exonerated**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.* The allegation of Courtesy against the involved officer is concluded as **Unfounded**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged did not occur.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Pearl Nunez
304 4th Avenue North #11
Edmonds, WA 98020

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0054

Ms. Nunez,

On July 19, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0054.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Unsatisfactory Performance. For the allegation of Lack of Courtesy, I agree with the finding of Unfounded. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

DATE: October 7, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0056

Complainant:

Ms. Jessica Lee Piller
4007 South K Street
Tacoma, WA 98418
253.473.7336

On July 30, 2022, Ms. Piller contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0056.

Allegations: Courtesy; Unsatisfactory Performance

COMPLAINT SUMMARY

Ms. Piller alleges the officer was inappropriate in the way he spoke to her and in his tone. Additionally, Ms. Piller alleges the officer contacted Child Protective Services (CPS) and made a false report in retaliation to her complaint against the officer.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

On July 30, 2022, Officer Dupleich and Officer Allman responded to a call for service in reference to an order violation. During the course of the investigation, Officer Allman spoke with Ms. Piller. She had issues with his responses and how he asked her questions.

On August 6, 2022, Ms. Piller wanted to add additional information to her complaint. She stated "this last week" she was contacted at her house by a CPS worker who informed her that Tacoma Police had filed a Child Abuse complaint against her, and they needed to check on the welfare of her child. The CPS worker completed the task and left without finding any danger to her child. Ms. Piller believes Officer Allman made false accusations against her regarding child abuse and notified CPS, specifically in retaliation for her making a complaint against him.

It was explained to Ms. Piller the original report shows a distribution to CPS due to the child being left alone in the bathtub while she was upstairs, but no specific report for Child Abuse was created.

On August 25, 2022, Ms. Piller was re-contacted and interviewed at her residence in reference to her complaint. She stated she and her ex-boyfriend share custody of a child and has been allowing him to see the child in violation of a No Contact Order. During her call for service, Officer Dupleich was the main officer she talked to while Officer Allman remained standing by her front gate. During her interaction with Officer Dupleich, Ms. Piller stated Officer Dupleich had a positive interaction and felt she was very professional and understood her predicament and did not cast judgement. As the conversation was ending and she felt like she had come to a resolution of her need for assistance, Officer

Allman asked her a question regarding why she allowed her ex-boyfriend to be around her child. She explained to Officer Allman that it was complicated, and she wanted her child to have his father in his life. Officer Allman proceeded to ask her to explain to him how it was complicated. It was at this time Ms. Piller felt like he was being condescending and argumentative. She further advised she felt like he was “mansplaining” to her what she should be doing while she was in crisis. Ms. Piller made the comment that she had a higher education than he did, and he responded with, “I’m sure you don’t.” She felt there was no need for this comment. She advised she was concerned that if she had not had the training and degree in counseling and was just a normal woman going through this crisis, his attitude would have been detrimental to her.

In review of Officer Allman’s body worn camera footage, it was observed Officer Allman asking Ms. Piller what was complicated about her situation and for her to explain it to him. He further made a comment, “I have a child, and I would do anything to protect my child.” When Ms. Piller made the comment that she had a higher education than he did, Officer Allman replied, “I’m sure you don’t.”


Officer Dupleich was interviewed regarding this complaint. She advised she heard Officer Allman reply to Ms. Piller’s statement of having a higher education than he did with, “I’m sure you don’t.” Officer Dupleich stated she did not hear anything else that she felt was unprofessional from Officer Allman.


Officer Allman was interviewed regarding this complaint prior to contacting Ms. Piller. He stated that in hindsight, he probably should not have made the comment, “You probably don’t,” when she stated to him that she had a higher education than him. He did not believe he was unprofessional at any other time.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Allman, and witnesses, as well as review of the body worn camera footage. The investigation was then reviewed by the officer’s chain of command. The allegations of Courtesy and Unsatisfactory Performance against the involved officer are concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.

 ^(EDR)
Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

November 22, 2022

Ms. Jessica Lee Piller
4007 South K Street
Tacoma, WA 98418

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0056

Ms. Piller,

On July 30, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0056.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegations Unsatisfactory Performance and Lack of Courtesy. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

DATE: October 7, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0059

Complainant:

Mr. Wesley Taylor
2106 Pacific Avenue
Tacoma, WA 98402
206.898.3035

On August 5, 2022, Mr. Taylor contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0059.

Allegation: Vehicle Operations

COMPLAINT SUMMARY

Mr. Taylor alleges an officer nearly collided with citizens while driving down a sidewalk with vehicle emergency lights activated.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Mr. Wesley Taylor was contacted regarding his initial emailed complaint. He stated that on August 5, 2022, he was walking to lunch on Pacific Avenue. An officer was parked in front of the Washington State History Museum with emergency lights activated. He observed the patrol vehicle slowly rolling forward, nearly striking two unknown females standing on the sidewalk waiting to walk westbound. The patrol vehicle continued driving along at a slow speed with its emergency lights activated until it passed the citizens. The vehicle left the sidewalk, turned off its emergency lights, and continued driving northbound on Pacific Avenue. Mr. Taylor stated the patrol vehicle did not strike the citizens standing at the crosswalk. Mr. Taylor stated what he observed appeared to be highly unsafe and dangerous driving by the officer, and if he had been one of the citizens standing near the sidewalk, he would have had to jump on the vehicle's hood to avoid being hit. Mr. Taylor did not know the two females standing at the crosswalk and never spoke with them regarding the incident.

In review of the Computer Aided Dispatch (CAD) system, it showed Officer Ford was with Officer Hill and responded to a suspicious person call at the Washington State History Museum for a female throwing glass bottles onto Pacific Avenue. The call was cleared as Gone on Arrival.

Officer Ford was interviewed regarding this complaint. He stated that he did respond along with Officer Hill who was sitting in the front passenger seat. Due to Pacific Avenue on the museum side not having any parking or curb area, he activated his overhead emergency lights and parked on the large, paved area between the street and the museum building. He parked there to avoid blocking Pacific Avenue while they attempted to check on the suspicious person call. He said he was very careful, went very slowly,

and used his overhead emergency lights to make sure citizens in the area were aware of his vehicle. He parked the patrol vehicle, did an area check, and then got back into the patrol vehicle. His overhead emergency lights were still activated. He started to move forward at a very slow pace to make sure the citizens in the area were aware of him and that he was starting to move. He stated he was traveling about 1 or maybe 2 miles an hour while he kept an eye on people. When asked about two females that the complainant noted he almost hit, Officer Ford said he remembers the two females and did not hit them, come close to hitting them, or even accidentally come close to hitting them. He saw the two females exit the coffee shop door, which was a lot farther than 3 feet away. He said he saw them as he slowly moved forward with the lights on to monitor if they were going to stop. He watched as the two females continued to walk toward Pacific Avenue which their path would have taken them in front of his vehicle. Officer Ford said he was moving very slowly with his lights on and continued to monitor them as he believed they would not continue. He looked directly at them as he slowly moved forward, and they looked directly at him while they were moving forward. When they did not stop and were several feet away from his vehicle, he stopped and let them walk in front of his vehicle until they passed. After they passed, he continued forward at a slow pace until he got back onto Pacific Avenue. When asked if they were directly in front of his vehicle when he stopped, Officer Ford said they were just to the side and not directly in front. He said they were also several feet away and were in no danger in any way of being run over. After the area check for the suspicious person, Officer Ford turned off his body worn camera (BWC) once they were in the car and leaving; therefore, his BWC was not activated.

Officer Hill was contacted and interviewed regarding this complaint. He stated they were at the museum for a suspicious person and had parked on the large, paved area in front of the museum with the overhead flashing lights on. When they were done with the area check, they got back into the vehicle. He was in the passenger front seat while Officer Ford was in the driver's seat. Officer Hill said they had the overhead lights on when Officer Ford started slowly moving forward. Officer Hill remembered the two females walking and said they were not close. Officer Hill estimates their speed as approximately 1 mile per hour. They moved forward while the females moved toward them. Officer Ford stopped the vehicle, and the females crossed in front of the vehicle. Officer Hill said the females were at the side of the vehicle when they stopped and crossed about 2 feet in front. They were watching the two females as they moved, and the females were never in any danger of being run over.

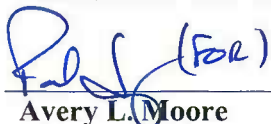
Multiple attempts were made to re-contact Mr. Taylor for follow-up, with negative results.

There were no independent witnesses and BWC was not activated or required at the time of the incident. No complaints were filed by the two females.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Ford, and Officer Hill. There was no body worn camera footage that could be viewed. The investigation was then reviewed by the officer's chain of command. The allegation of Vehicle Operations against the involved officer is concluded as **Exonerated**, which is a *final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.

 (For)

Avery L. Moore
Chief of Police

Acting Chief of Police

Oct 17, 2022
Date

/man



City of Tacoma
City Manager

December 2, 2022

Mr. Wesley Taylor
2106 Pacific Avenue
Tacoma, WA 98402

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0059

Mr. Taylor,

On August 5, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0059.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Improper Vehicle Operations. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GRJ* *cyh*
Internal Affairs Section

DATE: December 2, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0063

Complainant:

Nicholas Craig Harville
11475 19th Avenue Ct South
Parkland, WA 98444
318.791.6495

On August 12, 2022, Nicholas Harville contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0063.

Allegation(s): Unsatisfactory Performance

COMPLAINT SUMMARY

Nicholas Harville alleges officers failed to act when a vandalism and assault occurred in their presence.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Nicholas Harville called to file a complaint of unsatisfactory performance related to a court order service. Nicholas reported the following: Officer Allman, Officer Fiehler, and Officer Dupleich were serving a civil anti-harassment order on Bruce Jones. After they served Jones, he threw a cup at Nicholas' vehicle and caused damage to his windshield. The cup then bounced off his vehicle and struck an associate of Nicholas who complained of pain to her hand. The officers allegedly failed to take any form of law enforcement action. The original report did not document the vandalism or assault, so the Tacoma Police Department (TPD) Alternate Response Unit (ARU) contacted Nicholas and documented the incident under TPD case #2222401820.

Upon review of Officer Allman's body worn camera (BWC) footage, Bruce Jones was a highly volatile and agitated subject when the incident occurred. The camera footage showed Officer Allman talking with a family member of Jones while Jones is screaming expletives at Officer Allman. Jones then walked up stairs. During the complaint interview with Officer Allman, he was asked if he had observed the cup being thrown. Officer Allman stated he did not as his focus was on speaking with the family member and trying to de-escalate the situation at that time.

Upon review of Officer Dupleich's BWC footage, it showed Officer Dupleich standing near Officer Allman observing the agitated family members and Jones yelling expletives at the other party. The other party was standing in the roadway. Officer Dupleich did not interact with either party at the time the cup was thrown. During Officer Dupleich's complaint interview, she was asked if she observed the cup being thrown. She stated she did; however, did not turn and look because she did not want to take her eyes off Jones who was still agitated and screaming at the other party and officers. Officer Dupleich's

BWC also captured her interaction with Nicholas and several of his family members after the order was served. During this interaction, Officer Dupleich was answering questions when Kyleigh Harville stated that Jones threw a bottle and damaged the windshield of her vehicle. Officer Dupleich asked for clarification, and this is when Officer Fiehler, who was beside Officer Dupleich, stepped in to clarify what object they claimed was thrown at their vehicle.

Upon review of Officer Fiehler's BWC footage, it showed Officer Fiehler serving paperwork to Jones who threw the paperwork back at him. After the order was served, Jones was standing above the officers on a deck and threw a cup over their heads. It could be heard hitting the ground on the audio of the BWC. Officer Fiehler's BWC also captured his interaction with Nicholas and several of his family members after the order was served. During this interaction, Officer Fiehler clarified with Kyleigh about which incident she was referring to when she said Jones threw a bottle at her vehicle. She stated it was a glass bottle and it was prior to police arriving on scene. Another family member advised Kyleigh to document the damage to her windshield and bring it to court. She stated she would do that and bring a record of how much it will cost to repair.

Officer Fiehler completed a written statement in which he stated he observed Jones throw the cup, and observed it strike the ground and then bounce up and hit the hood of Nicholas' white Volkswagen sedan. When contact was made with Nicholas and his family after the order was served, they claimed Jones threw a bottle at their vehicle prior to police arrival. Officer Fiehler did not observe any damage to their vehicle at that time. During Officer Fiehler's complaint interview, he stated the cup that Jones threw in their presence could not have caused the damage they claimed, and he did not see any damage to either vehicle at the time of the incident.

Nicholas was re-contacted by phone for further information on this complaint. Nicholas stated that after officers served an order on Jones, they met with them at a different location to answer questions and provide them with an incident number. Nicholas stated that he advised officers his windshield had been damaged when Jones threw a cup at it. A female officer stated they do not write reports "for that kind of stuff." He further advised that as soon as the cup hit his car, his mother-in-law screamed, "He just hit our f-ing car."

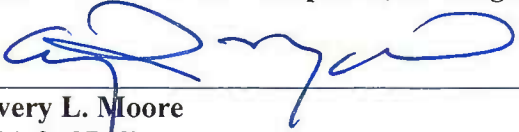
Nicholas then advised his wife wanted to be interviewed regarding this complaint. The phone was passed to her. Kyleigh stated she asked the officers what they were going to do about her windshield, and she stated they advised they were not going to take a report. Further, if they did, they would write a report about her violating the protection order Jones has against her. She asked the officers if they had body cams, and the officer said they did not. Upon conclusion of this phone interview, Nicholas wanted to add that he felt the officer had an attitude the whole time but understood it could have been attributed to dealing with Jones.

Upon completion of the interview with Nicholas, the investigating supervisor re-watched all the BWC footage of all officers involved in this incident to address statements from Nicholas and Kyleigh. The video footage on Officers Dupleich and Fiehler's cameras showed both officers talking with Nicholas and his family members. Nicholas did state that his windshield had been damaged by the cup that Jones had thrown while the order was being served. Officer Fiehler explained to him that he did not see any damage to the windshield, and the cup thrown could not have caused that much damage to his vehicle. It also showed that Officer Dupleich did state she was not going to take a report; however, she was not going to take a report for a violation until one occurred. Officer Dupleich did not say they did not write reports for that kind of stuff. It can be heard in the video someone yelling, "He just hit my f-ing car," but due to Jones screaming so loudly, it was barely audible in the background. It could not be heard in the footage the allegation the officers told Kyleigh they were not going to take a report or if they did, they would write a report about her violating the protection order against her. Further, it could not be heard the officers told Kyleigh they did not have body worn cameras.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Allman, Officer Dupleich, and Officer Fiehler, as well as review of body worn camera footage. The investigation was then reviewed by the officers' chain of command. The allegation of Unsatisfactory Performance against the involved officers is concluded as **Exonerated**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

January 12, 2023

Nicholas Craig Harville
11475 19th Avenue Ct. South
Parkland, WA 98444

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0063

Mr. Harville,

On August 12, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0063.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR* *cf* *7*
Internal Affairs Section

DATE: November 4, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0066

Complainant:

Ms. Cuyler A. Simmons
Simmons.cuyler@yahoo.com
503.575.0134

On August 17, 2022, Ms. Simmons contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0066.

Allegation: Unsatisfactory Performance

COMPLAINT SUMMARY

Ms. Cuyler Simmons alleges she was blamed for the incident involving her landlord and believes an arrest should have been made.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Upon initial contact for this complaint, Ms. Simmons stated she had been in a dispute with her landlord and an unknown friend of the landlord; she was renting a bedroom inside the residence. The unknown friend got in her face, called her names, and nearly assaulted her. When police arrived, they were laughing and joking with the landlord. Ms. Simmons was told by Officer Schillen that the resolution to the problem was that she needed to leave her home and go to a shelter. Ms. Simmons expressed anger at being blamed for the incident. She expressed strong concern of no consequences for the actions by the unknown friend. Ms. Simmons believed the unknown friend should have been arrested.

A review was done of the body worn cameras (BWC) of Officer Schillen and Officer Madden. It showed Officer Schillen interacting with Ms. Simmons indicating the living arrangement was not working out, and it was best both parties go in different directions. Ms. Simmons agreed and stated she was working on finding alternate living arrangements. The video also showed Officer Schillen and Officer Madden repeatedly laughing and interacting with the young children on scene who were consistently engaging with the officers. This likely led to the statement in the initial interview that officers were laughing and joking with the landlord.

Ms. Simmons was re-contacted for further information on this complaint. She provided a lot of background on the dispute with her landlord. She was upset with the specific incident that occurred on August 14. Her confrontation on that date was with a friend of the landlord, someone she believes is named Bruce. She had not had any dealings with Bruce before and has not since the 14th.

Ms. Simmons stated that on the 14th, she had arrived home and was heading toward the front door to go to her room when she saw Bruce. Bruce was sitting inside the house on the stairs and when he saw her, he jumped up to confront her and tell her she was not welcome at the house. He tried to shut the door, accidentally bumping her while doing so. The door bounced back open, and she entered. At this point, Bruce proceeded to scream and yell at her, even getting a few inches from her face. Ms. Simmons stated he was acting like he owned the place and was being very verbally assaultive. Ms. Simmons threatened to pull her personal keychain alarm (makes a loud sound only), and then activated it when he did not stop. She then got out her phone and called 911. Bruce then ceased and left her alone. Ms. Simmons stated the interaction was very fast, probably less than a minute total, but it scared her greatly. She stated she was not assaulted. Bruce did not raise a hand or seem to be trying to assault her; he was just verbally yelling at her.

Ms. Simmons wanted to know why Bruce was not arrested. After talking about the incident, she confirmed that, other than the door accidentally hitting her, she was not touched. Ms. Simmons also was advised the BWC was reviewed, and the officers had been joking and laughing with the kids but appeared professional in their interactions. At the end of the interview, Ms. Simmons stated she understood why the officers did not make an arrest. She was also very grateful the officers responded to the house and took the time to stand by so she could retrieve her belongings safely.


Officer Madden was contacted and interviewed regarding this complaint. She stated she had been to the residence numerous times but, to the best of her recollection for this incident, they had not developed probable cause for any crime that day. It was an ongoing dispute between the landlord and the tenant. She had spent a while talking to the family, and she remembers the children being present and interacting and laughing with them. As there had not been a crime that day, they had performed a civil standby for Ms. Simmons.

Officer Schillen was contacted and interviewed regarding this complaint. He related a very similar account as Officer Madden. Officer Schillen had more contact with Ms. Simmons and does remember joking with the children as they were very excited to talk to the police. He recalled talking about the circumstances of the incident with Ms. Simmons as well as the ongoing issues with the landlord and going over options that were available to her. Ms. Simmons told him she did not feel safe and wanted to leave. Officer Schillen stated there had not been a crime committed, and they performed a civil standby while she gathered her items and left.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Madden and Officer Schillen, as well as review of the body worn camera footage. The investigation was then reviewed by the officers' chain of command. The allegation of Unsatisfactory Performance against the involved officers is concluded as **Exonerated**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Anonymous, Anonymous
Tacoma, WA

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0066

Anonymous,

On August 28, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0066.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

DATE: October 21, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0069

Complainant:

Ms. Sandra Collins
2301 South 17th Street
Tacoma, WA 98405
253.973.4291

On August 29, 2022, Ms. Collins contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0069.

Allegations: Unbecoming Conduct; Violation of Rules

COMPLAINT SUMMARY

Ms. Collins alleges the officer spoke inappropriately when he and her son exchanged words.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Upon initial contact with Ms. Collins, she stated her neighbor harasses her and has done so for quite some time. Her boat trailer was moved for city workers who were doing roadwork on South 17th Street. The trailer was not blocking the sidewalk. A police officer came, not Road Compliance, regarding the trailer, which she questioned. She felt the officer was inappropriate in what he said to her adult son. Ms. Collins admits not being present when the officer and her son exchanged words. She stated the officer said her son had an attitude and that the trailer could be towed.

Ms. Collins was re-contacted for follow-up and to gather more information. She stated that she had not been home during the incident but her son, Demetrious Collins, was home and he had been the person who spoke with Officer Nielsen when he came to the house. The complaint regarding her trailer blocking came from a neighbor with whom they have had repeated issues. She explained they had moved the boat trailer over to where it was partially blocking the sidewalk to give city workers room to work on the roadway. There was room to walk past the boat, and it should have been obvious to anyone looking at it as to why the boat trailer was parked where it was. She stated Officer Nielsen had threatened to tow the boat, and she felt that was unnecessary due to the situation, and she did not know why he needed to contact them in the first place.

Mr. Demetrious Collins was contacted and interviewed regarding this complaint. He stated he had been sleeping when he heard Officer Nielsen knocking on the front door. He acknowledged the boat was parked on the sidewalk, but he believed there was enough room to walk past. Mr. Collins said Officer Nielsen initially asked him about the boat and if it belonged to him. Mr. Collins acknowledged the boat did belong to him, but he wanted to explain that their neighbor was constantly calling to complain about

the boat or about other small problems as a form of harassment against them. Mr. Collins stated Officer Nielsen responded by telling him he would “gladly have it towed if you’re going to have an attitude.” Mr. Collins felt that was a threat, which was unnecessary for the situation. He told Officer Nielsen that he would put the boat back on the street. He then moved the trailer off the sidewalk.

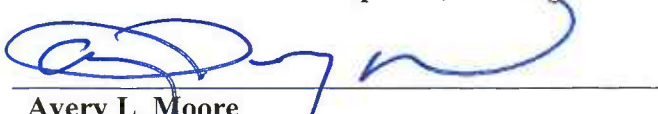
Officer Nielsen was contacted regarding this complaint. He reported he contacted Mr. Collins at the house because there was a complaint from the neighbor about the trailer blocking the sidewalk. He estimated he spoke with Mr. Collins for approximately two minutes at the front door of the residence. Mr. Collins immediately became agitated due to the ongoing issue with the neighbor who had complained. He explained to Mr. Collins the trailer would have to be moved to another location off the sidewalk. Officer Nielsen said he commented on Mr. Collins’ attitude only in the context that it appeared he was angry with Officer Nielsen for coming to talk to him about the trailer, and it appeared he was yelling at Officer Nielsen. Officer Nielsen said it was difficult to communicate initially because Mr. Collins was agitated and arguing over the trailer. Officer Nielsen said he did not threaten to tow the trailer but told Mr. Collins the trailer could be towed if it remained blocking the sidewalk. Officer Nielsen reported that at first Mr. Collins was argumentative but then understood that the neighbor had a valid point about the location of the trailer and agreed to move it. Mr. Collins asked him how long he had to move the trailer, and Officer Nielsen asked him if he could move the trailer in the next couple of days. Mr. Collins told Officer Nielsen he could move it in a few hours since he was watching his son at that time. Officer Nielsen said he thanked Mr. Collins for agreeing to move the trailer.

During the supervisor’s investigation, it was discovered Officer Nielsen’s body worn camera was not activated. Officer Nielsen explained he had tapped the record button to activate the camera, but he failed to notice the camera was not recording during the contact. During his attempt to upload the video is when Officer Nielsen noticed the camera did not record the incident.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Nielsen, and Mr. Collins. A review of the body worn camera footage was not completed as it was not activated. The investigation was then reviewed by the officer’s chain of command. The allegations of Unbecoming Conduct and Violation of Rules against the involved officer are concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Sandra Collins
2301 South 17th Street
Tacoma, WA 98405

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0069

Ms. Collins,

On August 29, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0069.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegations Unbecoming Conduct and Violation of Rules. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section *OGH*

DATE: November 4, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0070

Complainant:

Mr. Anthony N. Sinisgalli
1731 South Cushman Avenue
Tacoma, WA 98405

On July 28, 2022, Mr. Sinisgalli contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0070.

Allegation: Unsatisfactory Performance

COMPLAINT SUMMARY

Mr. Anthony Sinisgalli alleges the officer would not accept the cell phone photos as evidence when presented.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Upon initial phone contact with Mr. Sinisgalli, he advised that his son's girlfriend showed up at their house with injuries and told them her father had assaulted her. She went to the hospital and spoke to an officer. Mr. Sinisgalli wanted to see if there was a report written on the incident, what happens next, and how his son's girlfriend could get her belongings from her parent's house. While speaking with Mr. Sinisgalli, the victim advised him of photographs and the officer not accepting them. Mr. Sinisgalli then advised he wanted to file a complaint on the officer. It was arranged for Forensics to send Mr. Sinisgalli a link to upload the photographs.

Mr. Sinisgalli was recontacted regarding this complaint. He advised that his son's girlfriend was involved in a domestic assault with her father and then walked to their house. She went to the hospital and reported the incident, and he was just helping his son's girlfriend. Mr. Sinisgalli was advised that a report was taken and forwarded to detectives and the prosecutor for review. Mr. Sinisgalli stated the victim told him that the officer, later identified as Officer Ford, called and questioned her about her initial statement. He learned Officer Ford questioned her about the injuries on her neck and that she possibly scratched herself after the incident with her father. Mr. Sinisgalli said the victim had photographs taken right after the incident, but the officer said, "I don't care what pictures you have." Mr. Sinisgalli was upset about the officer declining to accept evidence of the scratches.

Officer Ford was contacted and interviewed regarding this complaint. He stated that he spoke to the victim's father, who was the suspect of the assault, and the victim's mother. They advised there was no assault and that their daughter suffers from PANS-PANDA which affects her mental state to where she becomes paranoid, self-harms, and makes up allegations. After talking to the parents, Officer Ford called

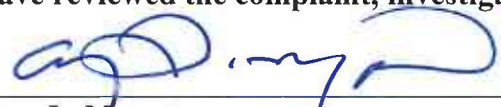
the victim to question her about the injuries to see if she would change her statement as he thought the scratches might have been made by the victim. When they were at the hospital, photographs were presented which showed photographs of the head injury and not of the scratches. When he later spoke to the victim over the phone about photographs, he did say that he did not care about the pictures as he had already seen the photographs which were of the bump on the head and not of any scratches. He had Forensics take photographs at the hospital to document the injuries. He had questions about the scratches and not the bump on the head. Officer Ford believed the victim was talking about the photographs of the bump that he saw on the phone which were of no evidentiary value and did not see any of the scratches. When Officer Ford was advised that Mr. Sinisgalli stated they had additional photographs on the son's mother's phone, Officer Ford stated he was not aware of that information and would have had a link sent to obtain those photographs. Officer Ford stated he did not have any intent to deny any type of evidence to be submitted and believed the photographs were of the bump he had already seen, which Forensics had photographed. Officer Ford's body worn camera (BWC) was on while he was at the hospital viewing the photographs on the phone; however, the phone call was not recorded.

Body worn camera (BWC) footage was reviewed, which shows Officer Ford interacting in a professional manner with the victim at the hospital and her parents at their resident. The BWC also shows the victim's boyfriend commenting about pictures and Officer Ford asking about the photographs, which the boyfriend shows to Officer Ford and mentions they are of the head injury.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and Officer Ford, as well as review of the body worn camera footage. The investigation was then reviewed by the officer's chain of command. The allegation of Unsatisfactory Performance against the involved officer is concluded as **Not Sustained**, which is a *final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Mr. Anthony N. Sinisgalli
1731 South Cushman Avenue
Tacoma, WA 98405

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0070

Mr. Sinisgalli,

On July 28, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0070.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GRJ*
Internal Affairs Section *cyft*

PJ **DATE:** September 23, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0072

Complainant:

Ms. Hospitality Ward
613 South 63rd Street
Tacoma, WA 98408
253.733.8524

On August 26, 2022, Ms. Ward contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0072.

Allegation: Conformance to Laws

COMPLAINT SUMMARY

Ms. Ward alleges the officer trespassed onto her property.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

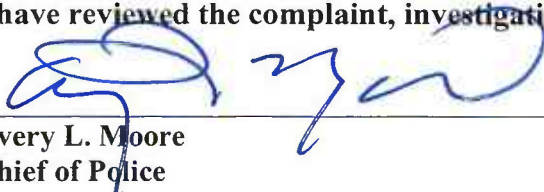
Upon contact with Ms. Ward regarding her complaint, she advised she observed a truck circle her block three times. She called 911 to report the suspicious circumstances. Officers responded fairly quickly for which she was very thankful. While officers were on scene, she left her residence and went to Walmart. Ms. Ward advised that while she was gone, Officer Hanley hit her fence on accident with his patrol vehicle. She was understanding that vehicle accidents happen, but she was upset that Officer Hanley entered her property via her "fence door" and walked through her yard to the front door of her house. Ms. Ward advised she is upset that Officer Hanley "trespassed" and left the blue card "slid" into her door jamb.

In this call for service, Officer Hanley and Officer Schaller were dispatched to the alley behind 613 South 63rd Street regarding a suspicious vehicle which, per the reporting person, circled the block three times. Officer Hanley arrived and made contact with the target vehicle. He established the vehicle was legally in the area and no crime had occurred. While attempting contact with the target vehicle and occupants, Officer Hanley jockeyed his patrol vehicle for a better vantage point using his vehicle as cover. In doing this, his pit-bar "clipped" a protruding fence post on a fence bordering the alley. Officer Hanley attempted contact with the property owner of the fence at the listed address. He entered the yard of the property owner and attempted contact at the front door. There was no answer at the front door, so he left a "blue incident card" with the case number. He slid the blue card into the door jamb for the owner to find.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and Officer Hanley. The investigation was then reviewed by the officer's chain of command. The allegation of Conformance to Laws against the involved officer is concluded as **Exonerated**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Hospitality Ward
613 South 63rd Street
Tacoma, WA 98408

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0072

Ms. Ward,

On August 26, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0072.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Conformance to Laws. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GRJ cyh*
Internal Affairs Section

PJ **DATE:** September 23, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0075

Complainant:

Ms. Tisha Whitehead
609 South Orchard Street
Tacoma, WA 98465
253.254.4350

On August 31, 2022, Ms. Whitehead contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0075.

Allegation: Unbecoming Conduct

COMPLAINT SUMMARY

Ms. Whitehead alleges officers walked into her hospital room without knocking, and she was naked.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

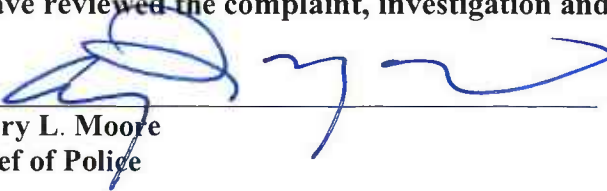
Ms. Tisha Whitehead was contacted regarding her complaint. She stated she was in her hospital room when Child Protective Services (CPS) and Police Officers, later identified as Officer Genis and Officer Hergert, entered her room without knocking, and she was naked. Ms. Whitehead found the actions of coming into her room to be rude and inappropriate. Ms. Whitehead was aware that CPS and the police would be coming to her room to place her infant. When asked if she possibly did not hear the knock on her door, she replied, "No." Ms. Whitehead stated that she had been in the bathroom and had just showered which is why she was naked.

Due to concern for hospital privacy issues, only one body worn camera (BWC) was turned on. In review of the BWC footage, it showed Officer Hergert and Officer Genis meeting with CPS Social Worker (SW) Ellsworth. They walked to a room where CPS SW Ellsworth is seen knocking on the room door and then entering the room by herself. CPS SW Ellsworth came back out of the room and said something to Officer Genis but could not be heard as his audio was off. They all waited outside the hospital room for a short time. Officer Genis then activated the audio on his BWC, knocked on the room door, and identified himself as police prior to opening the curtain that was in the doorway. Once the curtain was pulled back by Officer Genis, Ms. Whitehead was clearly seen, and she was fully clothed. Ms. Whitehead also acknowledged to Officer Genis that she knew why the police were in her hospital room. Also in the room was Ms. Whitehead's boyfriend who can be seen sitting on the bed holding an infant.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant as well as review of the body worn camera footage. The investigation was then reviewed by the officers' chain of command. The allegation of Unbecoming Conduct against the involved officers is concluded as **Unfounded**, which is a *final disposition of a complaint when the investigation revealed that the facts or actions alleged did not occur.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Tisha Whitehead
609 South Orchard Street
Tacoma, WA 98465

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0075

Ms. Whitehead,

On August 31, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0075.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Unfounded for the allegation Unbecoming Conduct. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Chief Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

71

DATE: November 4, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0077

Complainant:

Ms. Julie Garrison
1202 North Pearl Street #B104
Tacoma, WA 98406
731.336.5148

On August 21, 2022, Ms. Garrison contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0077.

Allegations: Unsatisfactory Performance; Courtesy

COMPLAINT SUMMARY

Ms. Julie Garrison alleges officers did not perform their duties and were discourteous.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Ms. Garrison called South Sound 911 (SS911) to report an Anti-Harassment Order violation. Officer Juarez and Officer Nguyen were dispatched to the location. Prior to their arrival, they verified through SS911 Records that the Temporary Protection Order #2A602546A that was issued on August 3, 2022, and set to expire on August 30, 2022, had not been served. When they arrived, they explained this to Ms. Garrison who insisted it was valid and served and wanted the respondent arrested for the order violation as well as voyeurism. When they explained they did not have Probable Cause, Ms. Garrison requested a supervisor.

Acting Sergeant K.L. Smith responded and confirmed the order was listed as not served. A/Sergeant Smith offered to take a copy of the order from Ms. Garrison to attempt service at the time; however, Ms. Garrison requested to file a complaint on Officer Juarez and Officer Nguyen.

Ms. Garrison's first concern was with Officer Nguyen. When she first requested a supervisor, he requested one over SS911 radio. When she asked what the responding supervisor's name was, Officer Nguyen said he "didn't have to" provide her with the supervisor's name. Ms. Garrison felt this was unsatisfactory. Ms. Garrison was also upset because Officer Nguyen and Officer Juarez insisted on keeping the door open as they made contact with her inside her apartment. Ms. Garrison also felt this was unsatisfactory.

Ms. Garrison's second concern was with Officer Juarez. She said when they arrived, the respondent was standing outside her apartment in violation of the order and that he would have seen him. Officer Juarez

said he did not see anyone outside the apartment. She referenced a previous phone call she had with Officer Juarez on August 12, 2022, CAD #2222402363, and said he was second-guessing her statement and should “just have taken my statement.” Ms. Garrison felt this was unsatisfactory.

Ms. Garrison’s overall concern was that both Officer Juarez and Officer Nguyen were “belligerent, uncooperative, and hostile” toward her during their encounter.

Ms. Garrison’s roommate, Ms. Antonia Grassia-Sandell, was contacted who had been present for the beginning of the interaction. Antonia stated in reference to the respondent, “I don’t know why they don’t get along. I still talk to him, but I try to stay out of their stuff.” When asked about the interaction with the officers, Antonia said, “Well... I don’t want to get in the middle of anything... but I tell her you usually get more done if you’re nice to others...” She had no specifics, suggestions, or other concerns to relay about the officers.

A review was done of the body worn camera (BWC) footage of both Officer Juarez and Officer Nguyen. The videos show that Officer Juarez initiates contact as the primary officer. He was familiar with Ms. Garrison as he has taken a phone report from her in the past. He mentioned this and they both acknowledged that Ms. Garrison had hung up the phone during their previous conversation. She explained she hung up because she did not appreciate Officer Juarez’s conclusion or assessment of the respondent’s intent in the previous violation she wanted to report. Officer Juarez apologized for that conversation and got her refocused on the current incident. Ms. Garrison said she and her roommate, Antonia, had a disagreement and were verbally arguing. She was worried the respondent was outside her window and had recorded the conversation. Ms. Garrison said she did not see him, only “heard” his voice. She was unsure on what he was saying. Antonia told responding officers she did not see or hear the respondent. Officer Juarez explained the Temporary Protection Order was not showing as “served” in the system. Ms. Garrison became upset and said, “It was served! It was served on Friday, but I haven’t sent in the documents into court. I will first thing Monday morning!” Officer Juarez explained they cannot document an order violation for an order that is not showing “served” in the system. Ms. Garrison believed they were wrong and asked for a supervisor. When Ms. Garrison asked for the name of the supervisor, Officer Nguyen told her they will provide their name when they arrive. This upset Ms. Garrison, and she yelled, “Why aren’t you going to tell me his name?!” Officer Nguyen replied, “Because I don’t have to!” They went back and forth about giving names and badge numbers. Ms. Garrison was saying some unfavorable descriptions about police officers and how they do not know their job. Officer Nguyen told Ms. Garrison, “You’re the one being difficult.” Ms. Garrison then yelled at Officer Nguyen to stop speaking to her.

The video then showed the arrival of Acting Sergeant K.L Smith. He attempted to re-explain the process with SS911 Records. He confirmed the order was not showing as being “served.” Ms. Garrison was still upset by that and said, “I know that the Return of Service has to go back, but that’s not my problem!” A/Sergeant Smith then offered to attempt order service right then so they could complete a Return of Service and get it to SS911 Records that same night. He stated he could provide a case number and document the incident. Ms. Garrison then asked if any of the officers saw the respondent exit his apartment just then when she was looking for her dog in the area. She believed that not only should it be documented, but the respondent should be arrested. None of the officers saw the respondent. Ms. Garrison was upset and yelled, “He just exited and walked up the stairs! You didn’t see that?!” As A/Sergeant offered to attempt order service that night, Ms. Garrison said she wanted to make a formal complaint on Officer Juarez and Officer Nguyen.

During the investigation of this complaint, Officer Nguyen was contacted and interviewed. Officer Nguyen did not feel his performance was unsatisfactory. He did not believe he failed to take appropriate action or lacked the knowledge of the application of laws required to be enforced. Through his education, training, and experience, he handled the call per policy and procedure. He explained he wanted the door

open for “officer safety” and advised he was able to be observant of people coming and going in the area, to include the respondent. When asked if he felt his courtesy could be improved, Officer Nguyen reflected and said, “I believe I did get an attitude with her in the end.” When asked why he did not provide the responding supervisor’s name, Officer Nguyen believed that was personal information and that he was not to disclose or disseminate it.

Officer Juarez was also contacted and interviewed regarding this complaint. Officer Juarez did not feel his performance was unsatisfactory. He did not believe he failed to take appropriate action or lacked the knowledge of the application of laws required to be enforced. Through his education, training, and experience, he handled the call per policy and procedure. When asked if he felt his courtesy could be improved, Officer Juarez reflected and said, “I kept my composure through the entire contact. She did not agree with my knowledge that the order was not served, so to bridge the information for her, I allowed her to listen to the radio traffic to help show what information I had.” Officer Juarez does not believe he was “belligerent or hostile” nor used “coarse, violent, or profane” language. Officer Juarez acknowledged the previous contact and understands by trying to explain another person’s actions, it can appear to a caller that we are being biased or trying to excuse or explain someone’s intent.

Multiple attempts were made to recontact Ms. Garrison, with negative results. Contact information was left on voicemails; however, a callback was never received.

In review of all associated BWC footage, the respondent was not observed exiting his apartment while she looked for her dog.

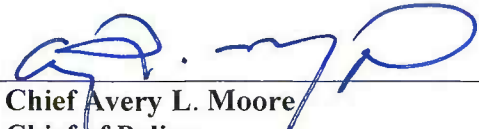
FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Nguyen, Officer Juarez, and witnesses. Body worn camera footage was also reviewed. The investigation was then reviewed by the officers’ chain of command.

For Officer Nguyen, the allegation of Courtesy is concluded as **Sustained**, which is *a final disposition of a complaint when it is found that the member acted improperly with respect to the Department policy*. The allegation of Unsatisfactory Performance is concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred*.

For Officer Juarez, the allegations of Unsatisfactory Performance and Courtesy are concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred*.

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Chief Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Julie Garrison
1202 North Pearl Street #B104
Tacoma, WA 98406

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0077

Ms. Garrison,

On August 21, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0077.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding Sustained for the allegation Lack of Courtesy against Officer Nguyen. For the allegation of Unsatisfactory Performance against Officer Nguyen, I agree with the finding of Not Sustained.

For the allegation of Unsatisfactory Performance and Lack of Courtesy against Officer Juarez, I agree with the finding of Not Sustained. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager
Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section *cyh*

DATE: December 2, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0080

Complainant:

Lindsay Wilsgard
7006 South 12th Street #22-09
Tacoma, WA 98465
425.614.5149

On September 18, 2022, Lindsay Wilsgard contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0080.

Allegation(s): Unbecoming Conduct

COMPLAINT SUMMARY

Lindsay Wilsgard alleges the officer was unprofessional and did not take her seriously.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Lindsay Wilsgard contacted South Sound 911 (SS911) indicating she wanted to file a complaint. Upon initial contact, Lindsay relayed there were two officers who came to her apartment. One officer was sweet, and the other officer was not professional. The officer who was not professional was described as being black. Lindsay stated the black officer laughed at her during the contact, did not take her seriously, and did not write anything down. Lindsay felt his behavior toward her was unprofessional.

During this complaint investigation, a review of the body worn camera (BWC) footage of the responding officers – Officer Forbes and Officer Lucas – was done. It was observed that both Officer Lucas and Officer Forbes appeared to be writing down notes at several points during the interview with Lindsay. At one point, Officer Lucas obtained a possible phone number for the suspect and attempted to contact him by phone. The officers spent approximately one hour interviewing Lindsay about the alleged assault and theft of her motor vehicle. It is clear from the video that Lindsay had a difficult time understanding the officers' questions and several times provided answers that appeared to be disconnected from the line of questions the officers were asking.

As the interview went on in the video, Lindsay began telling Officer Lucas she thought he did not like her and that he appeared to be laughing at her responses. He told her it is a "toxic trait" that he smirks or laughs in serious situations. His laughter appeared in the video to be more of a nervous reaction to the unusual responses given by Lindsay during the interview. He also laughed when she showed confusion about whether she is Facebook friends with the suspect. He told her he was not laughing at her, and she acknowledged that. Officer Lucas also laughed when she answered a question about if her

license plates are on the car by saying she has a picture of the car. This is an example of the disconnected answers Lindsay sometimes gave during the interview. She also said he was rolling his eyes at her at one point, but he countered that he was actually processing her statements. Toward the end of the video, Officer Lucas told her that he apologized if she was offended by his laughter. Officer Forbes did not appear to laugh during the videos.

Multiple attempts were made to re-contact Lindsay for follow-up during the investigation, with negative results.

Officer Lucas was contacted regarding this complaint. He reported that he did laugh at different points but not in outbursts and only in response to Lindsay's disjointed and unusual responses. He confirmed that he had informed Lindsay it was his "toxic trait" that he sometimes laughs in situations which are not funny. He reported that he was not laughing at Lindsay's situation as the victim of an assault and motor vehicle theft, but rather at the answers she gave to the officers during their investigation.

Officer Forbes was contacted regarding this complaint. He reported that he and Officer Lucas both wrote down information during the interview with Lindsay, but he was planning to write the report. Officer Forbes reported that Lindsay's odd responses often appeared somewhat humorous, though he did not recall laughing at the responses himself. The disjointed responses also made interviewing her difficult, according to Officer Forbes.

Officer Forbes' general report was reviewed which covered what Lindsay had told them about the incident but also described Lindsay's unusual responses to their questions and lack of detail to support her claims of being assaulted and run over by the suspect.

FINDINGS

An investigation into this complaint was conducted to include the initial interview of the complainant, Officer Lucas and Officer Forbes, as well as review of the body worn camera footage. The investigation was then reviewed by the officer's chain of command. The allegation of Unbecoming Conduct against the involved officer is concluded as **Unfounded**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged did not occur.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

January 12, 2023

Lindsay Wilsgard
7006 South 12th Street #22-09
Tacoma, WA 98465

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0080

Ms. Wilsgard,

On September 18, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0080.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Unfounded for the allegation Unbecoming Conduct. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

ajst *B*
DATE: November 4, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0081

Complainant:

Ms. Jasmine Mendiola
c/o Planet Fitness
9820 Pacific Avenue
Tacoma, WA 98444
253.349.3282

On September 5, 2022, Ms. Mendiola contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0081.

Allegations: Courtesy; Unsatisfactory Performance

COMPLAINT SUMMARY

Ms. Jasmine Mendiola alleges the response time for the call for service was too long to remove an unwanted subject from their business, and the officer's explanation was unsatisfactory.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

On September 5, 2022, a call was received at 8:28 a.m. regarding a report of an unwanted subject at Planet Fitness. The call was not dispatched until 10:38 a.m. due to call volume. A concern was received by Ms. Mendiola as to the time it took officers to respond, the officers did not remove the unwanted subject, and the citizen was not made to feel validated by the officer.

Ms. Mendiola who is an employee of Planet Fitness said a paying member had arrived around 6:00 a.m. and utilized the showers that are available for members to use. Ms. Mendiola, however, began her shift hours later and was not present when the member checked in. No staff had entered the locker/shower room but were advised by unknown persons (presumably other members) that the subject was still in the shower two hours later. 911 was called to have the person removed. Ms. Mendiola stated the officers did not find the person and left without trespassing him as she wanted. The subject in question left the business sometime after the officers. Ms. Mendiola added that she felt "not valid" by the officer.

What is clear is the staff that called to have the subject removed are not the staff that checked the person in. There was not a complete passing of information during a change of Planet Fitness personnel. It was also clear that only a partial description was passed along and available. That description was confused by Planet Fitness staff with another unrelated party. Adding to the situation, Planet Fitness personnel would not enter the locker room with officers (or before to ensure the subject was still there) to identify the subject. The body worn camera (BWC) footage showed the officers attempting to ascertain identity,

and staff not offering any clarifying input. A surveillance video of the business was ultimately shown of the party entering, but due to resolution and magnifying issues, did not add to clarification. The officers entered the shower room, and two showers were occupied. They made brief contact, given the sensitivity of the environment, and later told staff that the person described and shown was not in the shower. Of note, as evidenced by the BWC footage, is the officer concern for the rights of all the patrons of the establishment. The officers believed rousting multiple people from showers unclothed was not reasonable. Regardless, the officers stated they did not observe the subject in the locker room or showers. The person was gone from where they were reported to be.

The BWC also showed the officers discussing the trespass process with Ms. Mendiola. Officer Cenicola noted, correctly, that Planet Fitness staff can have a member trespassed but first must revoke the membership on scene. The officers could then trespass and remove the subject from the premises. It is noteworthy that in the interview with Ms. Mendiola, she was not interested in revoking membership. She indicated that she would "have to add a note" on the subject's membership warning him about taking long showers.

Ms. Mendiola was upset Officer Cenicola talked about a homicide that occurred earlier in the day as an explanation for delayed arrival. The complainant did not appreciate this and believed this amounted to rudeness or "not being validated." Neither officer indicated an intent to offend the staff there. Officer Joseph stated he did not interpret Officer Cenicola's interaction with staff as offensive, nor intending to offend. Officer Joseph indicated the staff just did not understand the parameters of the incident. The staff also did not understand or appreciate the explanation of the delayed response.


Officer Cenicola spoke quickly in an almost clipped manner, and she was very to the point. She did not use demeaning language or a distinct tone that was different from her talking with others. Ms. Mendiola was also upset with past law enforcement actions, and both officers attempted to explain booking restrictions due to Covid-19 response regarding the past issues.

The call was cleared with no enforcement action taken.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer B. Cenicola and Officer Joseph, as well as review of the body worn camera footage. The investigation was then reviewed by the officer's chain of command. The allegation of Courtesy against the involved officer is concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred*. The allegation of Unsatisfactory Performance against the involved officer is concluded as **Exonerated**, which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances*.

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Jasmine Mendiola
c/o Planet Fitness
9820 Pacific Avenue
Tacoma, WA 98444

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0081

Ms. Mendiola,

On September 5, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0081.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegation Lack of Courtesy. For the allegation of Unsatisfactory Performance, I agree with the finding of Exonerated. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

DATE: December 2, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0082

Complainant:

Kenwetta McCord
5936 South Sheridan Avenue
Tacoma, WA 98408
253.592.1677

On October 1, 2022, Kenwetta McCord contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0082.

Allegation(s): Unsatisfactory Performance

COMPLAINT SUMMARY

Kenwetta McCord alleges officers allowed her son to stay at her residence after a domestic dispute despite the fact he did not live there.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Kenwetta McCord contacted South Sound 911 (SS911) to file a complaint. Upon initial contact, Kenwetta stated there was a verbal domestic situation with her son, Evangelo Hogan, and wanted him to leave the residence since he did not live there. Officers did not have him removed, which left Kenwetta unhappy with the outcome.

In review of the Computer Aided Dispatch (CAD) system, it showed Officer Petrie and Officer Trott responded to Kenwetta's call for service. Officer Trott added notes in the system that they tried to explain residency laws to Kenwetta, but she would not listen and rather screamed and walked away inside the house. It was also confirmed that Evangelo's address on his Washington Identification Card is the same as Kenwetta's.

In review of the body worn camera (BWC) footage, it showed Kenwetta initially saying that her son had to leave and that he thinks the property is his. She further admitted to housing Evangelo when he needs a place to sleep, but it is only a one-night thing. She then said he had been staying in the van for a few nights but normally would sleep in a spare room. The officers then contacted Evangelo as he was in the back of a van. Evangelo said he had nowhere else to go, that he stays at the residence, and he pays rent. Kenwetta disputed that he pays rent. Officer Trott started to talk to Kenwetta away from Evangelo, attempting to explain residency laws and provide a DV Information Sheet. This caused Kenwetta to become irate and started to yell. Kenwetta stormed back into the house and could be heard yelling as Officer Trott talked to a male at the door. As Officer Trott was talking to Kenwetta, Evangelo advised Officer Petrie he pays rent with money from housing. When the officers left, Kenwetta was yelling in the house and Evangelo was lying down in the back of a van which was parked in the driveway.

During this complaint investigation, the officers were contacted. Officer Trott reported that when she arrived at the scene, Kenwetta was in the driveway. Kenwetta relayed to her that she did not mind housing Evangelo or feeding him when he needed it, but when he started disrespecting her, he needed to go. Kenwetta stated Evangelo is schizophrenic and bipolar and off his medications, further stating she was burnt out. She had been doing this for so many years, stating this had been going on eight days a week and that she never gets any rest. When Officer Trott asked Kenwetta how long Evangelo had been staying there, she replied he does not stay there. "When I let him stay here, he stays the night and it's an overnight." She did state that he does not stay in the van; she lets him stay in the house in a spare bedroom. Officer Trott concluded Evangelo was a resident due to his identification and the fact that Kenwetta claimed he stayed there often.

Officer Petrie reported that he arrived at the residence with Officer Trott and spoke with Kenwetta in her driveway. She stated the house belongs to her and her "old man" and that the house does not belong to her son. She added, "We don't mind housing him when he needs a place to stay." Officer Petrie then walked farther up the driveway to a carport where several cars were parked, including an older white van. Evangelo was inside the van sleeping on the back seat. Evangelo stated he stays at that location and that he pays rent. He stated he gets money from Department of Social and Health Services (DSHS) and pays her rent money with that. Evangelo appeared to have some mental health concerns but was cooperative. At this time, Officer Petrie heard Kenwetta become very argumentative with Officer Trott and was raising her voice using profanities. Officer Petrie ended the conversation with Evangelo and walked over to Officer Trott. Kenwetta stated repeatedly how she has her son at the residence every day and has been struggling with his behavior every day. She specifically said she deals with him "eight days a week." She did not allege that he had committed any crimes, only that he has mental struggles and that sometimes she wants him out of the house for various reasons. Evangelo stated he lives at the residence and pays rent. It was unknown at the time if he in fact was paying any rent. Based on Officer Petrie's investigation, Evangelo had established residency at the home and therefore had no authority to remove Evangelo from the location.


Kenwetta was re-contacted for follow-up via phone regarding this complaint. Kenwetta relayed that she did not have anything further to add to this complaint. A court order was discussed with Kenwetta, and she stated she had not pursued one. She followed up with something similar to, "Where else is he supposed to go?"

Kenwetta admitted to dealing with Evangelo being at the house "eight days a week," while Evangelo claimed he lived at the location and paid rent via DSHS money. The residence in question was also listed on Evangelo's state-issued identification card. Due to these factors, the officers determined Evangelo had established residency and therefore did not have the legal authority to remove him.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant, Officer Trott and Officer Petrie, as well as review of the body worn camera footage. The investigation was then reviewed by the officers' chain of command. The allegation of Unsatisfactory Performance against the involved officers is concluded as **Exonerated**, which is a final disposition of a complaint when the investigation revealed that the facts or actions alleged were substantially correct; however, the conduct of the Officer was proper given the circumstances.

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date

/man



City of Tacoma
City Manager

January 12, 2023

Kenwetta McCord
5936 South Sheridan Avenue
Tacoma, WA 98408

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0082

Ms. McCord,

On October 1, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0082.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Exonerated for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Chief Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

cyb **DATE:** November 4, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0083

Complainant:

Ms. Michelle L. West
7724 Swanson Drive NW
Gig Harbor, WA 98335
253.831.5470

On October 6, 2022, Ms. West contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0083.

Allegation: Unsatisfactory Performance

COMPLAINT SUMMARY

Ms. Michelle West alleges an officer collided with her vehicle, refused to take a collision report, and left the scene.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

On October 6, 2022, at around 12:45 p.m., Ms. West was driving her vehicle near South Steele Street attempting to enter the onramp to westbound SR512. She was waiting on the metered light to enter the freeway. A white marked Tacoma Police sedan approached the driver's side of her vehicle and collided with her fender. She described the passenger side of the patrol vehicle collided with the front driver's corner of her vehicle, causing visible damage consisting of dents and scrapes to both vehicles. After the collision, Ms. West pulled off to the shoulder along with the patrol vehicle. The officer, later identified as Officer Pearson, approached her and asked if she hit his car. She replied to him that he hit her car. Officer Pearson stated the damage was under \$5,000 so there is nothing to do. He then handed the children in her car two 7-Eleven free Slurpee coupons and a gold Tacoma Police Junior Officer Badge sticker. Officer Pearson then left the scene. Ms. West thought it was odd the officer did not ask for her information and did not provide any additional details about him, the department, or insurance.

Officer Pearson was interviewed regarding this complaint. Officer Pearson admitted he was involved in the incident. He advised he misunderstood the Tacoma Police Policy regarding officer-involved motor vehicle collisions. He thought when the accident was minor and under \$1500, "nothing had to be done." Officer Pearson did not think he had to call a supervisor to the scene and/or have Forensics photograph the damage when it was under the damage threshold. Officer Pearson "did not know how the accident happened," but confirmed a collision/striking of both vehicles did occur.


Officer Schillen was sent to contact Ms. West and meet her to have the damage to her vehicle photographed. A Police Traffic Collision Report was completed based on the info he could ascertain. Officer Pearson's vehicle was also photographed.

Officer Pearson was recontacted for an interview. He advised he was coming to work and was in the left lane of the two-lane metered on-ramp of Steele Street to Highway 512. Officer Pearson advised at the "meter" light somehow his patrol vehicle and Ms. West's vehicle collided. He was not sure if he was moving when the collision occurred. He confirmed he did speak with Ms. West before departing and reporting to work. Officer Pearson advised he thought the accident was a "non-reportable collision." Officer Pearson advised his body worn camera was not activated at the time he spoke with Ms. West as it was at Tacoma Police Headquarters, as allowed per policy.


FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and Officer Pearson. There was no available body worn camera footage to review. The investigation was then reviewed by the officer's chain of command. The allegation of Unsatisfactory Performance against the involved officer is concluded as **Sustained**, which is *a final disposition of a complaint when it is found that the member acted improperly with respect to the Department policy.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Chief Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

December 2, 2022

Ms. Michelle West
7724 Swanson Drive NW
Gig Harbor, WA 98335

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0083

Ms. West,

On October 6, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0083.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Sustained for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR*
Internal Affairs Section

DATE: December 2, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0085

Complainant:

Maria Owens
7239 East F Street
Tacoma, WA 98404
253.314.9260

On October 10, 2022, Maria Owens contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0085.

Allegation(s): Unsatisfactory Performance

COMPLAINT SUMMARY

Maria Owens alleges the police report for her call for service was not completed in a timely manner.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

Maria Owens contacted South Sound 911 (SS911) to file a complaint. Upon initial contact, Maria advised she had been a victim of a violation of a court order under case number 2228002437. After her ex-boyfriend had been arrested, she discovered some hidden cameras in her house. Maria notified SS911 to turn over the suspected cameras; this was under call number 2228200031. Later, she was advised via the Prosecutor the supplemental report had not been submitted.

Upon investigation of this complaint, it was found the report that was alleged to have not been completed in a timely manner was a supplemental report to an arrest made on October 7, 2022, under call number 2228200031. This supplemental report was generated to place two suspected surveillance devices Maria believed the arrestee placed in her residence to monitor her. In examination of Officer Breskin's supplemental report, it shows it was created on October 9, 2022, at 12:43 a.m. The time stamp on the report indicates the report was submitted on October 10, 2022, at 5:50 p.m.

Officer Breskin was interviewed regarding this complaint. He stated he had forgotten to submit this report during his regular shift. He was forwarded an email in which the Prosecutor's Office was inquiring about the unfinished status of his report. It was at this point on his day off that he logged into his computer and submitted the completed report. The report was approved by Sergeant Myhre on October 10, 2022, at 8:08 p.m.

Officer Breskin's report was created while still on the scene of the call for service as the generated time indicates. At this point, Officer Breskin went about his shift. It is worth noting that after this call, Officer Breskin went to an additional seven calls for service to include a shooting investigation that turned into a

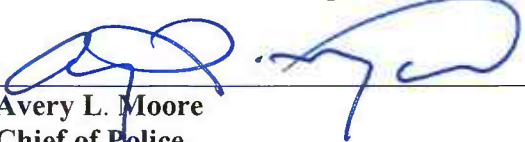
homicide and a robbery investigation. Both are high priority calls. It is likely during this flurry of activity that Officer Breskin forgot to submit the report.


Although there is no specific time frame listed for non-arrest supplemental reports to be submitted, the expectation is they be written in a timely manner. In this case, the report was a supplemental report to an arrest that had already been made and did not affect the probable cause of the arrest. With regards to the complaint of Unsatisfactory Performance, the report was submitted for approval the next day. There is no reason to believe this time frame could be construed as unreasonably long for a report of this type, thus resulting in Officer Breskin's failing his duty to complete a report in a timely manner.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and Officer Breskin. For the circumstances of this complaint, there was no body worn camera footage to review. The investigation was reviewed by the officer's chain of command. The allegation of Unsatisfactory Performance against the involved officer is concluded as **Not Sustained**, which is *a final disposition of a complaint when the investigation is unable to substantiate whether or not misconduct or violation of policy or procedures occurred.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.


Avery L. Moore
Chief of Police


Date 12/12/22

/man



City of Tacoma
City Manager

January 12, 2023

Maria Owens
7239 East F Street
Tacoma, WA 98404

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0085

Ms. Owens,

On October 10, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0085.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Not Sustained for the allegation Unsatisfactory Performance. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department

TACOMA POLICE DEPARTMENT

Intra-Departmental Memorandum



TO: Chief Avery L. Moore
Chief of Police

FROM: Lieutenant Gary J. Roberts *GJR* *CJR*
Internal Affairs Section

DATE: December 2, 2022

SUBJECT: CITY CONDUCT COMPLAINT 22COM-0091

Complainant:

Tenequa Danin Archie
4001 South Thompson Avenue #B
Tacoma, WA 98418
614.623.7938

On October 22, 2022, Tenequa Danin contacted the Tacoma Police Department regarding the actions of a Tacoma Police Officer. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 22COM-0091.

Allegation(s): Vehicle Operations

COMPLAINT SUMMARY

Tenequa Archie alleges an officer unnecessarily activated their emergency lights in order to pass them.

INVESTIGATION

The complaint was forwarded to the Operations Bureau, which reported the following:

On October 22, 2022, at approximately 6:50 p.m., Tenequa was traveling northbound on River Road toward the intersection at Pioneer Way East when a fully marked patrol vehicle pulled in behind her. Tenequa reported traveling at the posted speed limit when the officer activated their emergency lights. Tenequa believed she was being pulled over and moved to the right, but the officer immediately deactivated their lights and sped past her. The patrol vehicle later came to a stop for the red traffic signal controlling the intersection at Pioneer Way East. Tenequa pulled in behind it and took a picture with her cell phone showing it to be vehicle #2791.

Tenequa was contacted for further information regarding this complaint. Tenequa had no new information to provide from her initial complaint.

It was confirmed that Sergeant Custis is assigned the listed vehicle. In reviewing her Unit History, her first logged activity for the evening was at approximately 8:21 p.m. There were no recorded events during the indicated timeline that might have explained another reason Sergeant Custis activated her emergency lights.

Sergeant Custis was contacted and interviewed regarding this complaint. Sergeant Custis confirmed she was driving her patrol car near the time and place the incident was reported. While she did not recall this specific event, she acknowledged what was reported by Tenequa was likely accurate. Sergeant Custis did not recall any calls for service in progress she might have been responding to that were not recorded in her Unit History that would have warranted any type of expedited response.

Based on the information obtained during this investigation, it appears Sergeant Custis acted improperly with respect to Department policy.

FINDINGS

An investigation into this complaint was conducted to include interviews of the complainant and Sergeant Custis. For the circumstances of this complaint, there was no body worn camera footage to review. The investigation was reviewed by the officer's chain of command. The allegation of Vehicle Operations against the involved officer is concluded as **Sustained**, which is *a final disposition of a complaint when it is found that the member acted improperly with respect to the Department policy.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.



Chief Avery L. Moore
Chief of Police



Date

/man



City of Tacoma
City Manager

January 12, 2023

Tenequa Danin Archie
4001 South Thompson Avenue #B
Tacoma, WA 98418

SUBJECT: CITY CONDUCT COMPLAINT #22COM-0091

Ms. Archie,

On October 22, 2022, you registered a complaint about the conduct of an officer from the City of Tacoma Police Department. The complaint was subsequently processed through the City's complaint management system, and the information regarding your complaint was assigned Complaint # 22COM-0091.

Subsequent to its receipt, the complaint was referred to the Internal Affairs Section of the Police Department. This complaint was investigated by the supervisor of the officer in question, and the results of the investigation were then reviewed by the officer's chain of command and ultimately the Assistant Chief of Police, Operations Bureau. Subsequent to this review, the Internal Affairs Lieutenant prepared the attached memorandum to the Chief of Police. This memorandum and the investigation were reviewed by the Chief of Police and the City Manager.

I have personally reviewed the findings of this investigation and the actions recommended by the Chief of Police, and I concur with the finding of Sustained for the allegation Improper Vehicle Operations. An additional explanation is outlined in the attached Tacoma Police Department memorandum.

If you would like to discuss the investigation of this complaint further, please contact the Internal Affairs Section at (253) 591-5283.

Sincerely,

Elizabeth A. Pauli
City Manager

Attachment

cc: Complaint File
Internal Affairs, Tacoma Police Department