



VIA Metropolitan Transit Authority  
Police Department  
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**TO:** Accreditation File

**FROM:** Mark E. Witherell  
Chief of Police and System Security

**SUBJECT:** Annual Formal Complaint Report 2021

A search of VTPD formal complaint records was conducted and can be summarized as follows:

- We investigated 25 formal complaints regarding VTPD and Security personnel.
- We received 12 cases from a Patron / Citizen complainant.
- The Administration was the complainant in 13 cases.
- 9 cases were determined to be Unfounded.
- 1 case was determined to be Inconclusive.
- 4 cases were determined to be Exonerated.
- 11 cases were determined to be Sustained.
- Disciplinary Actions for the Sustained cases ranged from Verbal Counseling to Termination.

*DISPOSITION OF COMPLAINTS: Upon conclusion of an investigation, the complaint will be closed and filed as:*

***Unfounded** - The allegation is false or not factual.*

***Exonerated** - The incident occurred but was lawful and proper.*

***Inconclusive** - There is insufficient evidence to either prove or disprove the allegation.*

***Sustained** - The allegation is supported by sufficient evidence to justify the reasonable conclusion that the alleged misconduct occurred*

Formal Complaint Report  
2021

Incident Date	Complainant	Complaint Category	Investigated by	Disposition	Case Status	Closed by	Discipline
26-Jan-21	Patron / Person	Treatment of Prisoners 3.26	Sgt. A Poore	Unfounded	Closed	Chief M. Witherell	N/A
04-Mar-21	Anonymous CAF	Racial Profiling 601.02C	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
20-Mar-21	Administration	Official Reports 4.12	Lt. G. Aguilar	Sustained	Closed	Chief M. Witherell	Verbal Counseling
30-Mar-21	Administration	Use of VIA IT equipment	Lt. G. Aguilar	Sustained	Closed	Chief M. Witherell	Written Reminder
20-Mar-21	Administration	Job Abandonment	Lt. G. Aguilar	Sustained	Closed	Chief M. Witherell	Employment Terminated
24-Feb-21	Administration	Abide by Laws 301.01 A	Lt. G. Aguilar	Inconclusive	Closed	Chief M. Witherell	N/A
22-Feb-21	Patron / Person	Conduct and Behavior 3.04C	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
17-Mar-21	Patron / Person	Courtesy 3.06B	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
03-Apr-21	Administration	Courtesy 3.06B	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Written Reminder
10-Mar-21	Patron / Person	Conduct and Behavior 3.04C	Sgt. D. Martinez	Exonerated	Closed	Chief M. Witherell	N/A
11-Feb-21	Patron / Person	Use of Force 502.01	Cpl. D. Jaime	Exonerated	Closed	Chief M. Witherell	N/A
01-May-21	Administration	Vehicle Operations 306.01B	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Written Reminder / retraining
01-May-21	Patron / Person	On-Duty Activities 4.06	Sgt. D. Martinez	Exonerated	Closed	Chief M. Witherell	N/A
31-May-21	Patron / Person	Conduct and Behavior 3.04C	Sgt. J. Contreras	Exonerated	Closed	Chief M. Witherell	N/A
03-Jul-21	Administration	Traffic Enforcement 610.07	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Written Reminder
05-Jul-21	Administration	On-Duty Activities 4.06	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Written Reminder
26-Aug-21	Patron / Person	Conduct and Behavior 3.04C	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
13-Aug-21	Administration	Vehicle Operations 306.01B	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	2 Day suspension
26-Oct-21	Administration	Conduct and Behavior 3.04C	Sgt. J. Contreras	Unfounded	Closed	Chief M. Witherell	N/A
15-Oct-21	Patron / Person	Impounding Vehicles 602.09	Sgt. J. Contreras	Unfounded	Closed	Chief M. Witherell	N/A
25-Sep-21	Patron / Person	Prisoner's Property 608.11	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
13-Aug-21	Patron / Person	Prisoner's Property 608.11	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
29-Jul-21	Administration	Use of Force 502.01	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Written Reprimand
04-Aug-21	Administration	Conduct and Behavior 3.04C	Cpl. D. Jaime	Sustained	Closed	Chief M. Witherell	2 Day Suspension
24-Nov-21	Administration	Body Worn Cameras 410.05	Cpl. C. Perez	Sustained	Closed	Chief M. Witherell	Written Reminder