



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

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

*Mark E. Witherell*

**SUBJECT:** Annual Formal Complaint Report 2023

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

- We investigated 16 formal complaints regarding VTPD and Security personnel.
- We received 5 cases from a Patron / Citizen complainant.
- The Administration was the complainant in 9 cases.
- 4 cases were determined to be Unfounded.
- 0 cases were determined to be Inconclusive.
- 0 cases were determined to be Exonerated.
- 12 cases were determined to be Sustained.
- Disciplinary Actions for the Sustained cases ranged from Verbal Counseling to Termination of Employment

*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  
2023

Incident Date	Complainant	Category	Assigned To	Disposition	Case Status	Opened By	Discipline
09-Mar-23	Administration	Body Worn Cameras 410.05	Sgt. D. Martinez	Sustained	Closed	Chief M. Witherell	Verbal Counseling
09-Mar-23	Patron/Person	Racial Profiling 601.02C	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
17-Mar-23	Administration	Requirement to Take Action 4.03	Cpl. C. Perez	Sustained	Closed	Chief M. Witherell	Written Reprimand
22-Jun-23	Administration	Use of Force 502.14	Cpl. D. Jaime	Sustained	Closed	Chief M. Witherell	Termination
06-Jun-23	Administration	Courtesy 3.06B	Chief M. Witherell	Sustained	Closed	Chief M. Witherell	Verbal Counseling
08-May-23	Patron/Person	Courtesy 3.06B	Sgt. J. Contreras	Unfounded	Closed	Chief M. Witherell	N/A
12-Aug-23	Patron/Person	Prisoner's Property 608.11	Sgt. D. Martinez	Unfounded	Closed	Chief M. Witherell	N/A
31-Jul-23	Administration	Courtesy 3.06B	Sgt. M. McDonald	Sustained	Closed	Chief M. Witherell	Written Reprimand
09-Oct-23	Administration	300.04 Professional Conduct and Bearing	Sergeant Joe Flores	Sustained	Closed	Chief M. Witherell	Written Reprimand
06-Dec-23	Administration	Reporting for Duty 4.04	Sgt. Christopher Collazo	Sustained	Closed	Chief M. Witherell	Written Reprimand
27-Nov-23	Administration	Attentiveness to Duties Post Orders	Sergeant Joe Flores	Sustained	Closed	Chief M. Witherell	2 Day Suspension
04-Sep-23	Administration	Attentiveness to Duties Post Orders	Sgt. Christopher Collazo	Sustained	Closed	Chief M. Witherell	Written Reprimand
10-Dec-23	Patron/Person	Searching of Prisoners 608.05	Sgt. J. Contreras	Unfounded	Closed	Chief M. Witherell	N/A
08-Dec-23	Administration	Abide by Laws 301.01 A	Sergeant Joe Flores	Sustained	Closed	Chief M. Witherell	Termination
30-Dec-23	Administration	Intermediate Weapon 305.06	Sergeant Joe Flores	Sustained	Closed	Chief M. Witherell	3 Day Suspension
18-Dec-23	Patron/Person	Courtesy 3.06B	Lt. G. Aguilar	Sustained	Closed	Chief M. Witherell	Written Reprimand