



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 14, 2022

FROM: DIRECTOR ANDREW MYERBERG
 OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0474

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	14.090 - Crowd Management 10. Officers May Make Individual Decisions to Deploy OC Spray, and Blast Balls Consistent with Title 8 – Use-of-Force	Not Sustained (Inconclusive)
# 2	8.200 - Using Force 2. Use of Force: When Prohibited	Not Sustained (Inconclusive)
# 3	5.001 - Standards and Duties 14. Retaliation is prohibited	Not Sustained (Inconclusive)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that an unknown female officer improperly swung her bicycle at demonstrators, injuring them.

ADMINISTRATIVE NOTE:

OPA was not able to identify the unknown SPD officer. As such, the 180-day timeline is inapplicable to this case. Given this, for administrative purposes, OPA sets the date of this DCM as the 180-day deadline.

SUMMARY OF INVESTIGATION

OPA received a complaint from an anonymous individual. The Complainant said that, during a demonstration on July 25, 2020, a female police officer swung her bicycle at a group of protestors. When the protestors called her a “fascist,” the officer then grabbed the Complainant’s umbrella and then maced the Complainant. The Complainant said that demonstrators were maced again and that officers threw blast balls into the fleeing crowd, causing cuts to the Complainant’s leg.

The Complainant described the officer as a White female who was approximately 5’5”. The Complainant wrote that the officer had her badge covered and refused to identify herself. The Complainant did not provide any identifying or descriptive information. The Complainant listed the location of occurrence as Broadway and Pine and wrote that the incident occurred at around 5:15 p.m.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) for 51 officers, including the BWV for all of the female officers assigned to work that day. This review did not reveal any incident consistent with that described by



the Complainant. OPA also reviewed use of force reports for July 25 but was unable to locate any force incidents similar to that alleged here.

Unfortunately, OPA had no ability to interview the Complainant, as they did not provide any contact information. Given this and due to the absence of a description of the Complainant, OPA did not have access to any additional evidence that could have shed light on what occurred and which officer was involved.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

14.090 - Crowd Management 10. Officers May Make Individual Decisions to Deploy OC Spray, and Blast Balls Consistent with Title 8 – Use-of-Force

As discussed more fully above, OPA has insufficient evidence to determine what occurred and why, as well as insufficient evidence to identify the involved officer. If true, the behavior identified by the Complainant would be very concerning. However, given the dearth of information in the record and the lack of an interview provided by the Complainant, OPA has no option than to recommend that this allegation, as well as Allegation #2 and Allegation #3, be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #2

8.200 - Using Force 2. Use of Force: When Prohibited

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 14. Retaliation is Prohibited

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**