



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 2, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0425

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Management Action)

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:

The Complainant alleged that SPD’s Public Affairs Unit and the Named Employee made a purposefully inaccurate social media post.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

On June 6, 2020, the Complainant was at a protest in the vicinity of the East Precinct, where he claimed to have been subjected to SPD officers’ use of blast balls (this use of force is being investigated under 2020OPA-0328). While there, the Complainant heard officers stating that their decision to use force was based on protestors having thrown a pipe bomb at police. Later that day, Named Employee #1 (NE#1), who was assigned at that time to SPD’s Public Affairs Unit, traveled to the incident location and made a post on the SPD Twitter account, stating the following:

At about 7:30 p.m. demonstrators outside the East Precinct began moving barricades at 11th and Pine despite multiple requests from police to stop. Individuals began throwing rocks/bottles/and explosives at officers. Several officers injured due to improvised explosives.

Below this text were two images, the first showing broken candles and wax on the ground, the second showing broken candles and wax inside of a cardboard box. During interviews with OPA, the Complainant and two other witnesses stated that they found this post to be dishonest, as it appeared to insinuate that the candles were an explosive device or were materials affiliated with explosive devices.



In her statement to OPA, NE#1 indicated that at the time of the incident, she learned that a number of projectiles (including the candles) had been thrown at officers. At the time that the candles were recovered, officers on scene stated that they believed the candles to have been utilized as part of the explosion, possibly as a starter. NE#1 went on to state that the Arson Bombs Squad (ABS) took custody of the candles to see if they were used in the explosion, but that ABS did not reach a conclusion until after NE#1 made the Twitter post in question. As such, NE#1 made the Twitter post under the pretense that the candles may have been used in the explosion. According to NE#1, she hadn't received "follow-up information from ABS for a couple of days," at which point ABS indicated that the candle was not involved in an explosion.

When asked, NE#1 stated that her post was not intended to be deceptive or dishonest, but rather an effort to get information out to the public. In this vein, NE#1 stated that she and her unit were under "an enormous amount of pressure from the incident commander on scene to start putting information out." NE#1 noted that she attempted to address with her superiors the issue of posting to Twitter too quickly, without fully investigating an incident, but nevertheless felt pressured to post information as quickly as possible.

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

OPA's investigation indicated that NE#1's Twitter post accurately stated that projectiles, including improvised explosives, were thrown at officers during the course of the protest and that officers suffered injuries as a result. OPA's investigation also determined that the candles shown in NE#1's Twitter post were recovered from the scene of the incident. Where NE#1 went wrong was writing a post that made it seem that the candles were, in fact, the explosive devices that had been used. In hindsight, this was clearly incorrect; however, NE#1 did not know that at the time and posted based on information that had been provided to her by others and that she believed in good faith. Moreover, OPA finds it significant that NE#1 made the posts reluctantly and based on pressure from her chain of command to quickly get information out.

Given the above and when addressing the narrow question of whether NE#1 was dishonest as contemplated by this policy, OPA finds that she was not and recommends that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

As discussed above, by posting in haste at the behest of her chain of command, NE#1 made statements that were inaccurate. It seems to OPA that making posts hurriedly and based on unverified reports is likely to result in such



inaccuracies, which can serve to undermine, not build, trust and confidence in the Department and in its veracity and believability. Unfortunately, this is what happened here.

Given this, OPA believes that a change to the policy controlling the release of information and a reminder to the Public Affairs Unit and command staff is warranted.

The policy governing the Public Affairs Unit – SPD Policy 1.110 – contemplates both discussions with media outlets and the release of information. The policy provides that the information provided to media outlets must be “accurate, objective and factual responses” and it cautions employees to not “speculate.” However, these same parameters are not placed on information posted on social media. OPA believes this to be a mistake. In addition, SPD Policy 1.110-POL-2 provides that the: “Chief of Police or a Deputy Chief will screen the information that will be released to the media in an officer-involved shooting or where a serious injury or death of a person occurs as a result of police activity.” However, this same screening requirement is not applied to other types of social media posts, including those that may be concerning high-profile matters but do not relate to shootings or serious injury or death caused by an officer. OPA thinks that, given what occurred here, instituting a screening requirement to cover all social media posts of significance, even if through someone with a rank lower than Chief, would be advisable. Lastly, OPA believes that the Department should reiterate both to Public Affairs Unit employees and to command staff that, while getting information out quickly is laudable, that desire should not become so overwhelming that it undermines accuracy.

Accordingly, OPA issues a Management Action Recommendation requesting that the Department take these steps.

Recommended Finding: **Not Sustained (Management Action)**