



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 10, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0548

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 Standards and Duties 10. Employees Shall Strive to be Professional	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:

The Complainant alleges that the Named Employee engaged in unprofessional conduct when he threw a water bottle at a seated demonstrator.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged that, on June 3, 2020, she observed an officer throw a water bottle at a seated protester. She contended that this constituted unprofessional conduct and, potentially, an assault. She provided OPA with a picture of the officer that she said engaged in this conduct. She did not have or provide photographs or video of the throwing of the water bottle. OPA subsequently commenced this investigation.

OPA identified the officer in the picture as Named Employee #1 (NE#1). OPA verified that, on June 3, he was staffing a large demonstration in the vicinity of the East Precinct. OPA searched for Body Worn Video (BWV) recorded by NE#1 and other officers who were in the area at the approximate time of the incident. The BWV reviewed by OPA did not show any evidence of any officer, including NE#1, throwing a water bottle at a demonstrator. OPA also tried to locate third-party video from that time and place; however, this search was similarly not fruitful.

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.) If, as the Complainant described, NE#1 threw a water bottle at a demonstrator, this would constitute a significant violation of this policy and would clearly undermine public trust and confidence in SPD.



However, as indicated above, there is insufficient evidence to establish that this occurred. There is no indication that a bottle was thrown based on a review of BWV and OPA could not locate relevant third-party video. Ultimately, this prevents OPA from reaching a determinative conclusion on what occurred here and on whether NE#1 was, in fact, unprofessional. Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

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