



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 8, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0529

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)

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 unknown SPD employees may have used excessive force.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified that an officer may not have read two detainees Miranda warnings as soon as practicable, as required by policy. OPA also identified that this officer may have not accurately documented the sequence of events that led to a female demonstrator's arrest. Specifically, the officer wrote in his report that, prior to arresting the demonstrator, she yelled at him and said "no"; however, this was not supported by a review of the BWV. While there was still probable cause to arrest despite this inaccuracy, the officer’s report was nonetheless alleged to have been deficient in part. Lastly, OPA identified that the officer made statements to the female demonstrator that may have been unprofessional and insensitive, including joking that he did not need to wear a facemask because he had already contracted COVID. These matters were returned to the chain of command to be handled via a Supervisor Action.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.200 - Using Force 1. Use of Force: When Authorized

OPA received a complaint relating to the clearing of people from Cal Anderson Park by SPD officers on August 15, 2020. The Complainant specifically alleged that unknown officers used “unwarranted force” on individuals inside of the park. OPA commenced this investigation.

As part of its investigation, OPA corresponded with the Complainant via email on several occasions. She informed OPA that she was not at the park on the date in question and viewed the alleged misconduct in a video that was posted on a specific Twitter feed. She stated that, when she went back to try to find the video again, she could not



locate the link. She later asked OPA to withdraw her complaint because she did not remember the details and did not want to wrongly accuse someone of misconduct.

OPA searched the Twitter feed identified by the Complainant and only located one video depicting SPD officers' actions in the park on the incident date. However, this video did not show any uses of force.

OPA also reviewed the incident reports generated from that date and the Body Worn Video (BWV) for several officers. OPA determined that there were only two uses of force reported. One was a complaint of pain from the application of handcuffs and the other was a complaint of pain from the wearing of handcuffs. Both were investigated by SPD supervisors as Type 1 uses of force. OPA watched BWV that depicted both of the complaints of pain that generated the force investigations. That review yielded no evidence of officer misconduct. Moreover, after watching additional BWV, OPA found no evidence of any other uses of force, let alone force that was "unwarranted" or excessive.

As there is no indication that any excessive or improper force was used during this incident by any SPD employee, OPA recommends that this allegation be Not Sustained – Unfounded.

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