



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0492

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	Not Sustained (Inconclusive)
# 2	8.200 - Using Force 1. When Authorized	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 alleged that she was subjected to excessive force when she was struck with a blast ball.

ADMINISTRATIVE NOTE:

OPA was not able to identify the unknown SPD employee(s) involved in this case. For this reason, the 180-day timeline set forth in the collective bargaining agreements was inapplicable to this matter. As such, OPA sets the 180-day deadline as the date of this DCM.

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

The Complainant participated in a demonstration on July 25, 2020. She stated that she was in the vicinity of East Pine Street near the Black Lives Matter mural. At one point, officers began creating a line. She believed that there were patrol, bicycle, and SWAT officers involved. She recalled seeing the SWAT Bearcat vehicle behind the line. The officers then began dispersing the crowd and pushing it back. Officers used less-lethal tools, including blast balls, to do so. The Complainant said that she was struck with a blast ball while dispersing, causing her to suffer an injury. She provided photographs to OPA that verified her injury. She said that she did not hear dispersals at the time but noted that it was loud. She believed that her being struck with the blast ball constituted excessive force.

As part of its investigation, OPA reviewed use of force documentation and video to try to identify the specific blast ball that impacted the Complainant and which officer deployed it. OPA specifically focused on video that appeared to match when and where the Complainant described the incident occurring. However, OPA could not identify the Complainant on any of those videos or determine when, how, and why the blast ball was deployed. Notably, at this



same time, there were numerous blast balls deployed and it was difficult to identify anyone in the crowd due to the use of umbrellas and shields by demonstrators.

SPD Policy 14.090-POL-10 govern when officers can use blast balls in crowd management scenarios. SPD Policy 8.200-POL-2 provides guidance surrounding when force is permitted and appropriate under policy.

Unfortunately, without being able to identify the Complainant's location in the crowd, OPA cannot assess the propriety of the deployment of the blast ball. While this is an unsatisfactory result to OPA, and certainly will be disappointing to the Complainant, the evidence is simply insufficient to allow OPA to conclusively determine what occurred here and whether there was a violation of policy.

Accordingly, OPA recommends that this allegation and Allegation #2 be Not Sustained – Inconclusive.

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

Named Employee #1 - Allegation #2
8.200 - Using Force 1. When Authorized

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)**