



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 20, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0549

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)

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 unidentified SPD employees improperly used a “flash bang” causing an injury to her husband.

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 Consistent with Title 8 – Use-of-Force

The Complainant reported that she was at a demonstration on June 6, 2020, which occurred near the East Precinct (11th and Pike) at around 7 p.m. She stated that officers threw “flash bangs” and deployed less-lethal tools, including tear gas, at the crowd, including while demonstrators were dispersing. She told OPA that one of these “flash bangs” struck and injured her husband. She asserted that this constituted excessive force.

OPA’s investigation indicated that CS gas was not used at the time identified by the Complainant. OPA also verified that no “flash bangs” were deployed. However, multiple blast balls were utilized by officers. OPA assumes that this is what the Complainant is referring to.



The Complainant did not include a description of either herself or her husband in her complaint. The Complainant also did not respond to requests for contact via both email and phone. Given this, OPA was unable to identify the Complainant or her husband in any Body Worn Video or third-party video, including that recorded at the general time and in the general location of the incident.

SPD Policy 14.090-POL-10 states that deployment of OC spray or blast balls shall have the primary objective of defending the officer, defending another, or preventing significant destruction of property. SPD Policy 14.090-POL-10. It further states that individual officers may deploy OC spray or blast balls “at the specific suspect(s) who are posing a threat” and that if feasible, officers must provide a verbal warning prior to deployment. (*Id.*) Finally, the policy states that when feasible, officers will provide aid to subjects exposed to OC and/or blast balls and will request medical assistance when subjects complain of continued effects from OC or blast balls. Officers will request medical assistance when a subject appears to have been injured. (*Id.*) An officer’s decision to deploy OC or blast balls must be consistent with Title 8 – Use of Force. (*Id.*)

Without a description of the Complainant and her husband, OPA cannot identify the specific deployment at issue, determine who the involved officer was, or assess whether it violated policy. This prevents OPA from reaching a conclusive finding in this case.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

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