



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 1, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0126

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	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 an unknown SPD officer took money from the Subject in return for providing confidential law enforcement information.

ADMINISTRATIVE NOTE:

As this case involves an unknown and unidentified SPD employee, the 180-day deadline is inapplicable. However, for administrative purposes, OPA set the 180-day deadline for the date of this DCM.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Subject was arrested by West ACT officers for narcotics activity. The arrest was effectuated at the behest of an SPD Narcotics Detective who was part of a task force including the Department of Homeland Security (DHS). A Special Agent assigned to DHS sought and obtained a warrant for the Subject's cell phone. A review of the cell phone revealed a text exchange in which the Subject contended that he had a source within SPD who provided him with information on upcoming narcotics operations in return for money. The Subject indicated that he paid the source approximately \$20,000. The Special Agent notified an SPD Sergeant of the Subject's claim. The Sergeant subsequently referred this matter to OPA.

OPA's investigation included reviewing the text messages in question and interviewing the Special Agent. OPA attempted to interview the Subject, but he refused to cooperate with this investigation. OPA also reviewed a number of SPD reports from other incidents involving the Subject.



The Special Agent told OPA that he did not believe that the Subject's claim of an SPD source was credible. In reaching this assessment, the Special Agent cited to the following: (1) the absence of any texts corroborating that the Subject was communicating with anyone who might be in law enforcement, including texts between himself and an officer; (2) the Subject's claim that he paid \$20,000 to the source seemed unlikely due to his status as a low-level drug dealer and his lack of access to that amount of money; (3) the Subject did not try to barter this information to get out of charges prior to the text messages being discovered; and (4) the Subject had a demonstrated penchant of exaggerating his importance and level of influence in his everyday life.

With regard to the fourth factor cited by the Special Agent, OPA notes that the Subject acted as a local "superhero" from around 2010 to 2016 and had extensive contact with SPD. Often this was in the form of his physical confrontations with others under the guise of mutual combat. Consistent with the Special Agent's characterization, two SPD reports involving the Subject referenced him escalating and exaggerating situations to justify him taking "superhero" action. In one case, the Subject claimed that he pepper sprayed individuals to break up a fight; however, witness accounts and video evidence disproved this, indicating that the Subject had not been candid with officers. He was arrested for assault.

The Special Agent further noted that the Subject had a relationship with a local media personality and that they exchanged texts in which the reporter would provide the Subject with information concerning upcoming protests. The reporter told the Subject that he had a source within SPD. The Special Agent opined that the Subject may have found the idea of a source to be alluring and then used that concept in his conversations with others as a form of self-aggrandizement.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If an SPD officer took bribes from the Subject in return for confidential law enforcement information, this would constitute a clear violation of policy and law. However, there is simply no evidence supporting that this occurred. To the contrary, OPA agrees with the Special Agent that the weight of the evidence suggests that there was no SPD source and that, instead, the Subject fabricated this claim.

Accordingly, and for the reasons set forth herein, OPA recommends that this allegation be Not Sustained – Unfounded.

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