

**Issued Date:** November 25, 2025

**From:** Interim Deputy Director Nelson Leese (on behalf of Interim Director Bonnie Glenn)  
Office of Police Accountability 

**Case Number:** 2025OPA-0212

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### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

1. **Allegation #1:** 8.300 – Use of Force Tools, 8.300-POL-5 OC Spray, 3. Sworn Employees Will Use OC Spray, Including in ... (eff. 9/1/2024)

**Finding:** Not Sustained - Unfounded (Expedited)

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#### **Named Employee #2**

1. **Allegation #1:** 8.300 – Use of Force Tools, 8.300-POL-5 OC Spray, 3. Sworn Employees Will Use OC Spray, Including in ... (eff. 9/1/2024)

**Finding:** Not Sustained - Unfounded (Expedited)

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#### **Named Employee #3**

1. **Allegation #1:** 8.200 - Using Force, 1. Use of Force: When Authorized

**Finding:** Not Sustained - Lawful and Proper (Expedited)

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**This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.**

### **Executive Summary:**

The Complainant submitted nine emails articulating multiple allegations against multiple SPD employees based on observations from media and internet reporting concerning the May 24, 2025, crowd management event at Cal Anderson Park. On review, OPA determined that three of the Complainant's allegations required classification.

The Complainant alleged Named Employee #1 (NE#1) used OC spray against a detainee, Community Member #1 (CM#1). The Complainant alleged Named Employee #2 (NE#2) walked past a detainee, Community Member #2 (CM#2), and covertly sprayed OC spray in CM#2's face. The Complainant alleged used excessive force by shoving a demonstrator, Community Member #3 (CM#3), with two hands.

**Administrative Note:**

OPA reviewed each of the Complainant's nine emails, including linked video. OPA also reviewed officer body-worn video (BWV) and other evidence. Based on this, OPA processed many of the Complainant's allegations as contact logs. The Complainant alleged multiple employees failed to display a nametag, allegations that comparisons to BWV proved to be erroneous. OPA also determined that one use of force allegation was already under OPA investigation (2025OPA-0201). Finally, the Complainant alleged that unknown supervising officers should also be held responsible for the underlying allegations the Complainant filed. Because OPA reviewed each of the Complainant's allegations and determined they were either entirely meritless or unfounded by the evidence, OPA determined there was no potential misconduct to classify against any supervisors based on the issues raised by the Complainant.

With respect to NE#1 and CM#1, OPA strictly reviewed this Complainant's allegation that NE#1 pepper sprayed a detainee. OPA later received a separate complaint concerning a broader scope of NE#1's conduct and use of force against CM#1. Those allegations are being reviewed in 2025OPA-0388 and are not addressed here.

OPA determined three allegations raised by the Complainant were required to be classified according to the 2017 Accountability Ordinance. However, all three of these allegations were approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On July 8, 2025, OIG certified OPA's investigation as thorough, timely, and objective. The certification was dated July 2, 2025.

**Summary of the Investigation:**

OPA investigated the allegations by reviewing the Complainant's nine emailed complaints, SPD use of force documentation, body-worn video (BWV), external video provided by the Complainant, and photographs. OPA did not interview the Complainant as the basis of his complaints appeared not to be from first-hand knowledge but his review of videos he found on the internet.

## **Analysis and Conclusions:**

### **Named Employee #1 – Allegation #1**

#### **8.300 – Use of Force Tools, 8.300-POL-5 OC Spray, 3. Sworn Employees Will Use OC Spray, Including in Crowd Management Events, Only When Such Force is Objectively Reasonable, Necessary, and Proportional (eff. 9/1/2024)**

The Complainant alleged that NE#1 deployed OC spray against CM#1, a detainee.

On the date of this incident, SPD policy required that OC spray only be deployed when objectively reasonable, necessary, and proportional, even during crowd management events. SPD Policy 8.300-POL-5(3) (eff. 9/1/2024).

As to the alleged uses of pepper spray by NE#1 and NE#2, YouTube video and BWV do not indicate pepper spray was used at these times, even if these officers held OC cannisters in their hands. The spray is not visible on video, none of the community members give any reaction that would be consistent with being sprayed with OC, the alleged OC deployments were not reported, and the positioning of the canisters and officers' hands do not indicate any use in these instances. Specifically, the OC cannisters the officers carried feature a distinctive yellow "trigger" at the top of a handle. At the time of the alleged OC sprayings, both officers' hands were observed holding the handle but did not appear to be depressing the triggers. Accordingly, OPA does not believe OC was deployed as alleged.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

### **Named Employee #2 – Allegation #1**

#### **8.300 – Use of Force Tools, 8.300-POL-5 OC Spray, 3. Sworn Employees Will Use OC Spray, Including in Crowd Management Events, Only When Such Force is Objectively Reasonable, Necessary, and Proportional (eff. 9/1/2024)**

The Complainant alleged that NE#2 deployed OC spray against CM#2, a detainee.

For the same reasons articulated at Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

### **Named Employee #3 – Allegation #1**

#### **8.200 – Using Force, 1. Use of Force: When Authorized**

The Complainant alleged that NE#3 used excessive force by using two hands to push CM#3 back.

SPD Policy 8.200-POL-1 requires that force used by officers be “objectively reasonable, necessary, and proportional to the threat or urgency of the situation, to achieve a law enforcement objective while protecting the life and safety of all persons.” Whether force is objectively reasonable depends “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, considering the circumstances surrounding the event.” SPD Policy 8.050. Reasonableness must be judged from perspective of a reasonable officer at the scene, *id.*, and allow for the fact that officers are often forced to make “split-second decisions” in tense, dynamic circumstances. SPD Policy 8.200-POL-1. The policy also lists several factors that should be weighed when evaluating reasonableness. See *id.* Force is necessary where no reasonably effective alternative to the use of force appeared to exist and “the type and amount” of force used was reasonable and proportional to effect the lawful purpose intended or to protect against the threat. SPD Policy 8.050. Lastly, the force used must be proportional, reflecting the totality of the circumstances, including the nature and immediacy of any threats. *Id.*

The Complainant provided a YouTube video showing NE#3 shoving CM#3 as well as another community member. However, the shove was not done with sufficient force to knock either CM#3 or the other community member off their feet. Additionally, BWV showed NE#3 was using de minimis force to move people away from an area where police officers were effecting arrests. This amount of force was objectively reasonable because it was so slight and was necessary to effect the lawful purpose of moving people away from a scene where officers were making arrests.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (Expedited)**