Seattle Office of Inspector General

IG CERTIFICATION MEMO

To:	Andrew Myerberg, OPA Director
CC:	Mark Grba, Deputy Director of Investigations; Grainne Perkins, Investigations Supervisor
From:	Danielle Fifis, Public Safety Auditor/Investigator
Date:	28 December 2020
Re:	2020OPA-0344

PARTIAL CERTIFICATION:

OIG has reviewed the Investigation for 2020OPA-0344 and is certifying the Investigation as timely, and objective, but not as thorough.

This case was initially routed to the OIG on 12/02/2020, and on 12/11/2020, OIG requested additional investigative steps in order to assess thoroughness. The request for additional information provided OPA with an opportunity to address concerns in regard to all three allegations of potential misconduct. On 12/23/2020, OPA routed the case back to OIG and provided some additional information responsive to the OIG's requests.

OIG appreciates the solid investigative efforts made by OPA in regard to the allegations officers deployed a flash bang which struck a protestor in the chest and an additional flash bang deployment which caused a photographer to be knocked unconscious. However, after reviewing the additional information provided by OPA in regard to the first allegation, alleging Unnamed Employees used flash bangs to target a medic tent, OIG cannot certify the investigation as thorough.

In its 12/11/2020 response to OPA, OIG highlighted several unexplained investigative gaps pertaining to this allegation and requested additional investigation, particularly:

1. In the ROI, the investigator states, "I viewed a video in which attorney [redacted] interviewed medics alleging they were targeted by SPD officers by deploying blast balls, and pepper spray into the medic tents. [redacted] identified three individuals, [redacted]." Press conference video contains witness statements from 5 medical personnel (not three.) **Did OPA interview [redacted] and/or the medic organizer in regard to their accusations and what they witnessed?**

2. The recording of this press conference, added to the case file as evidence, contains unintelligible audio through the last few minutes. **Has OPA made attempts to obtain a video with audible witness statements?**

3. At the end of the video, [redacted] (the attorney) requests relevant videos from the audience. **Has OPA followed-up with [redacted] in the proceeding months to inquire about additional video?**

On 12/23/2020, OPA submitted a list of responsive steps taken by the investigator and the outcome of these steps, including the following:

- *12/18/19 at 1300 hours I received a phone call from [redacted] said [redacted] had alot of information, but he was reluctant to provide contact information, and did not want to speak with SPD. [redacted] did not provide a statement to his office, but he will contact her and [redacted] to find out if they're willing to provide a written statement.*
- *[redacted] indicated that the recording was done by Converge Media, and he did not provide a copy of the recording to SPD. [redacted] believes that he may be able to provide a copy with audible witness statements.*
- *12/18/20 at 1300 hours, [redacted] will return my call after speaking with [redacted] and [redacted].*
- *Today, 12/18/20, I left [redacted] a voice message requesting any additional video related to this investigation.*

This investigation was returned to OIG on the morning of 12/23/20, just three business days after reaching out to [redacted] and supposedly without yet receiving the requested evidence. Additionally, there is no noted attempt or offer for a civilian investigator to contact [redacted], who did not want to speak with SPD but who is said to have pertinent information.

In assessing an OPA investigation, per Ordinance 3.29.260.F.2 (a), one of the criteria OIG should consider when certifying is whether witnesses were contacted, interviewed, and all other material evidence was timely collected. Further, per Ordinance 3.29.260.F.2 (c), OIG should consider whether additional clarifying information would strengthen the investigation. In this case, OPA disregarded two potential witnesses, despite their public statements claiming first-hand knowledge of these allegations. Additionally, OPA acknowledged corrupted audio/video evidence but failed to demonstrate a substantial attempt to obtain an intact file. OPA then re-submitted the investigation to OIG with the knowledge of these potential pending witness statements and video evidence.

OIG is not directing additional investigation. The case was re-submitted to OIG for review on 12/23/2020 and the 180-day due date is 1/4/2021. Thus, there is no time for OPA to conduct additional investigation.

Respectfully,

Danielle Fifis

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