



To: Andrew Myerberg, OPA Director
CC: Mark Grba, Deputy Director of Investigations; Grainne Perkins, Investigations Supervisor
From: Lynn Erickson, Public Safety Auditor/Investigator
Date: January 13, 2021
Re: 2020OPA-0557

CERTIFICATION:

OIG has reviewed Investigation for 2020OPA-0557 and is certifying the investigation as timely and objective. OIG is not certifying the investigation as thorough.

Prior to classifying the intake for full investigation, OPA combined a second complaint (2020OPA-0567) with this one and advised the Complainant in that case that he could track the issues he raised through the investigation into 2020OPA-0557. However, OPA appears to have not taken further action to investigate those allegations.

For example, OPA did not timely pursue additional information from the Complainant in 0567 regarding the extent of the damage to his cell phone, or if it was in fact recovered, where and when it was found. Additionally, despite being provided with the full name and contact information for a first hand witness (the journalist who identified herself as such and was complying with the dispersal order when her phone/camera was grabbed and thrown by one of the Named Employees), the OPA Investigator assigned to 0557 did not engage in subsequent efforts to contact or interview her. Finally, no investigation was conducted to assess the allegation that officers walked over the candles and flowers set up on the sidewalk for the vigil.

OPA also made an investigative decision in 0557 to not conduct any interviews (including of the Named Employee) relevant to the allegation of SPD officers pushing protesters without warning to move back (moves which also affected individuals who were peacefully protesting on the sidewalk and/or attending the vigil) and using less lethal munitions on the crowd (impact weapons and pepper spray) prior to any dispersal order being issued.

The information outlined above that was not gathered by OPA during the investigation speaks directly to the allegations and concerns brought forward in the multiple complaints that were combined under this case number. By not conducting follow up on actionable leads, OPA has limited the scope of their fact finding, and thus their ability to thoroughly assess the actions and intentions of the Named Employees.



Finally, the Report of Investigation contains multiple contradictions regarding the identification of Named Employees, Witnesses and Complainants. These types of errors not only confuse and delay the certification review process, but can also affect procedural justice for those involved. OIG is taking this opportunity to again urge OPA to conduct careful reviews of their investigations prior to submitting them to OIG for certification review.

Thank you very much,

Lynn Erickson

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