



**To:** Andrew Myerberg, OPA Director  
**CC:** Mark Grba and Grainne Perkins, OPA Assistant Directors  
**From:** Lynn Erickson, OIG Public Safety Auditor/Investigator  
**Date:** May 3, 2021  
**Re:** Partial Certification for 2020OPA-0698

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**PARTIAL CERTIFICATION:**

This investigation was initiated by OPA after receiving several inquiries regarding an Instagram video that was posted by “realchangenews” alleging responding officers engaged in bias-based policing and a lack of professionalism when they responded to a vehicular collision with a bicyclist. OPA routed the investigation to OIG requesting certification on April 1, 2021. After review, OIG routed the case back to OPA directing additional investigation on April 15, 2021.

Per the OIG Memo Directing Additional Investigation dated April 15, 2021, the identified deficiencies of the investigation were as follows:

- “NE2’s relevant training records were not requested or summarized in the record;
- OPA’s summary of BWV relevant to the allegedly biased statements at issue for NE2 does not fully/accurately capture the exchange between NE2 and the OE customer;
- It appears that no investigative activity occurred between 12/7/2020 and 3/9/2021;
- There are multiple typos and sentences in the ROI that do not appear to make sense;
- Section IX of the ROI labelled “Summary of Investigation” includes only a summary of the testimony of NE2, which makes it appear one sided and not objective;
- No information could be found in the record to assess why/how the driver of the vehicle could be found to not be at fault or cited for knowingly striking an individual and then continuing to leave the scene;
- The interview with NE2 appears to have not been conducted in accordance with the OPA Manual:
  - The investigator did not ask probing or open-ended questions about the matter under investigation and instead focused narrowly on certain areas with leading questions;
  - The interview did not include follow up questions to resolve conflicting evidence;
  - The interview did not include questions pertaining to all allegations under investigation.”



Director Myerberg requested via email on April 30, 2021 that OIG prioritize a review of this case and noted that OPA was unable to conduct any additional investigation as directed because it would cause OPA to miss the 180 deadline. Director Myerberg wrote "Our request is for a partial certification as opposed to additional investigation being required."

The investigation is therefore being certified as timely and objective, but not as thorough.

Respectfully,

*Lynn Erickson*

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