



To: Andrew Myerberg, OPA Director
CC: Mark Grba and Grainne Perkins, OPA Assistant Directors
From: Lynn Erickson, OIG Public Safety Auditor/Investigator
Date: April 23, 2021
Re: 2020OPA-0748

CERTIFICATION:

I have reviewed the Investigation for Case Number 2020OPA-0748. I appreciate the additional investigation into this matter and understand that Named Employee #3 is on extended leave. Therefore, only the investigation for Named Employee #1 and Named Employee #2 is being certified at this time. That investigation is certified as timely, thorough, and objective.

Based upon my review of the underlying evidence and the Report of Investigation, I am recommending that OPA add two areas of clarifying information to their report. While these two areas do not, in my estimation, rise to a level that impacts certification, both areas would strengthen the investigation into to the use of force issue for NE#2, to include an understanding of the Complainant's injuries (the bruising on her right arm/elbow, and the injury to her nose).

1. The BWV of NE#2 captures an interaction between the Complainant and NE#2 after the Complainant sees her dog run out, but before NE#2 yells "Don't hurt me! Do not bite me!" Namely, NE#2 can be heard telling the Complainant "Hey, stop" after which she is be heard yelling "Oww!" This is followed by NE#2 stating "Well, quit" and the Complainant again yelling "Oww!" (more than once).
2. The summary of BWV for NE#3 in the ROI indicates that at 24:40 his camera falls to the ground and "goes dark". However, the camera appears to land facing upwards and does capture the Complainant and NE(s) outside the patrol car. Therefore, the BWV appears to capture the moment when the nose injury occurred, because it appears the Complainant is pushed into the side of the patrol car (24:55), and she can be heard immediately afterwards saying "my nose, my nose...."

Thank you again for the effort on this case,

Lynn Erickson

Lynn Erickson