



Seattle Office of Inspector General

To: Gino Betts, OPA Director
CC: Nelson Leese, Interim Assistant Director of Investigations & Legal Affairs
From: Payton Schenck, OIG Public Safety Audit and Investigation Specialist
Date: August 1, 2022
Re: Partial Certification Memo for 2022OPA-0058

Partial Certification Memo

OIG has reviewed the investigation for case 2022OPA-0058. While OIG can certify the investigation as thorough and timely, we are unable to certify the investigation as objective.

OIG is unable to certify this case as objective due to explanations for possible misconduct given in the summary of investigation that is not adequately supported by available evidence. Notably the Investigation Summary states:

"However, it is also likely [the Named Employee] was not aware of any request to update the collision report because the emails sent to him were labeled CAUTION: External Email which is frequently ignored by officers by the advice of City IT recommendation that employees do not open any suspicious emails. (i.e. CAUTION; External Email)."

This explanation is not provided in the Named Employee's interview or mentioned in emails from IT uploaded to the casefile. While the City's IT department periodically provides education on handling external emails, and this could be a relevant fact, this information should not be presented as an explanation for possible conduct unless it is provided by the Named Employee.

Additionally, OIG notes in the area of timeliness that our office received the follow up investigation with three business days for review prior to the 180-day deadline, which does not allow our office to make further requests related to the investigation. While all information needed for findings was ultimately provided by OPA, if time permitted OIG would request direct questioning regarding the email evidence, and potentially providing the email evidence to the Named Employee during the interview to manage discrepancies, as outlined in OPA manual section 6.5.G.v. Manage Discrepancies. We also are aware another investigation was opened in the process of addressing OIG's July 1, 2022 Request for Additional Investigations Memo, and note some of these discrepancies may be managed in interviews connected to the new case.

Accordingly, OIG can certify the case as thorough and timely, but not objective.

Respectfully,

Handwritten signature of Payton Schenck in black ink, with a horizontal line underneath.

Payton Schenck, OIG Public Safety and Investigation Specialist