



To: Andrew Myerberg, OPA Director
CC: Mark Grba, Deputy Director of Investigations; Grainne Perkins, Investigations Supervisor
From: Lynn Erickson, Public Safety Auditor/Investigator
Date: October 31, 2020
Re: 2020OPA-0162

PARTIAL CERTIFICATION:

OIG has reviewed the INV for 2020OPA-0162 and is certifying it as timely, and objective, but not as thorough.

The allegation at issue for this investigation is that a Named Employee directed a subordinate to delete files pertaining to a Public Disclosure Request (PDR) and failed to take any action to respond to that PDR. While this investigation was complicated by the fact that the email correspondence uncovered by OPA appeared to relate to a PDR that diverged in description from the one alleged, the inability to gather perishable evidence can be attributed in part to OPA's failure to take more prompt and thorough investigative actions to resolve the allegations. Notably, OPA did not conduct any interviews until five months after complaint was brought forward. By then, memories had faded and emails had possibly been deleted. Further, while the Named Employee admitted in their interview that they had directed the employee to destroy operational orders, OPA failed to follow up with any substantive questioning related to that admission. OPA also failed to follow up on other contradictions with the Named Employee's testimony, as well as contradictions between that testimony and the documentary evidence. Furthermore, OPA did not follow up on other investigative leads available to them that could have helped to overcome the limitations posed by the perishable evidence or to resolve the contradictory testimony.

OIG is not directing additional investigation. The case was submitted to OIG for review on 10/27/2020 and the 180-day due date is 11/3/2020. Thus, there is not only no time for OPA to conduct additional investigation, but also no means by which they can remedy the lost perishable evidence.

Respectfully,

A handwritten signature in cursive script, reading "Lynn Erickson", positioned above a horizontal line.

Lynn Erickson