



To: Andrew Myerberg, OPA Director
CC: Mark Grba, Assistant Director; Grainne Perkins, Assistant Director
From: Danielle Fifis, Public Safety Auditor/Investigator
Date: 5 March 2021
Re: 2020OPA-0759

BIFURCATED EXPEDITED CLASSIFICATION:

OIG has reviewed the proposed bifurcated Expedited Investigation for 2020OPA-0759 and does not approve the Use of Force allegation(s) for Expedited Investigation. According to the OPA website, complaints may be classified for Expedited Investigation when OPA “determines that findings can be reached based on the preliminary investigation and no further investigation needs to be conducted.” After a thorough review of BWV, complainant interviews, witness video, and Use of Force statements, I do not believe findings can be reached at this time.

In this case, the complainant provides a very detailed account of the NE’s Use of Force, which contains allegations contrary to the NE’s Use of Force report. Two supposed attempts at the “cross-face technique” are captured on video: one attempt captured on bystander video immediately prior to an officer positioning his bike in front of the crowd¹ and a subsequent attempt captured on officer BWV. In his Use of Force statement, the NE stated the technique was not initially effective due to difficulties he had positioning, so he re-adjusted and applied force again. It is unclear if this first failed attempt is the force captured on bystander video. It was also not explained what the NE’s hand and arm positioning was with this first failed attempt. Due to the present testimonial discrepancies and questions surrounding the way force was utilized, the proposed expedited investigation re-classification is denied. Thank you.

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¹ A frame by frame review of this video is encouraged.