



Seattle Office of Inspector General

To: Gráinne Perkins – Interim OPA Director
CC: Nelson Leese – Interim OPA Assistant Director of Investigations and Legal Affairs
From: Payton Schenck – OIG Public Safety Audit and Investigation Specialist
Matthias Gydé – OIG Investigations Supervisor
Date: July 1, 2022
Re: Partial Certification Memo for Case Number: 2022OPA-0042

Partial Certification Memo

OIG appreciates the time taken by OPA to discuss and explain deficiencies in, and questions about, case 2022OPA-0042. OIG can certify the investigation as timely and objective. OIG is not able to certify the investigation as thorough for the following reasons:

The NE's BWV is broken into two parts. At the end of the first video, a representative from SPOG arrives, while the officer is sitting in an SPD vehicle, and tells the NE to turn off his BWV and the NE complies. This occurs before the Force Investigation Team indicates that BWV at the scene could be deactivated and it is discussed in the FIT investigation report. OIG does not dispute the officer's right to confer privately with a SPOG representative. However, OIG questions if it is appropriate for the NE to deactivate his BWV while still at an active scene and before FIT authorizes officers to do so.

OIG raised this concern with OPA and requested this be handled in an additional investigation. While OPA states it shares OIG's concerns, OPA declined to conduct an additional investigation on this issue and will handle it as a Supervisor Action instead.

OIG believes, given the serious nature of this incident and the public response generated by it, investigating the issue further is a necessary step and is in the best interest of the public. In the absence of further investigation OIG cannot certify on the element of thoroughness.

OIG would like to note that SPOG refused to toll the investigation despite the unavailability of the Named Employee while on leave for approximately two months. This substantially decreased the amount of time OPA was given to investigate this case.

Respectfully,

Handwritten signature of Payton Schenck in black ink.

**Payton Schenck - OIG Public Safety and
Investigation Specialist**

Handwritten signature of Matthias Gydé in black ink.

**Matthias Gydé – OIG Investigations
Supervisor**