

South Seattle Emerald's Questions to the OPA Regarding 2020OPA-0583
(Sent Apr. 4, 2022)

1. Why did it take so long for the OPA to release the CCS for this case? It appears that the only possible changes made to the final document that varied from the DCM were that a) not a single charge was sustained against an officer (in the DCM, an allegation was sustained against Allen), and b) the OPA took time to attempt to discredit the concerns the OIG auditor raised in their partial certification.
2. Why did the OPA feel the need to try to explain away the OIG auditor's concerns, especially since the OPA admits to a good portion of them? This would appear to undermine not only the OPA's attempted explanations but also the OIG's overall credibility, especially since the auditor was doing their job to the best of their ability. This is also not the first time the OPA has undermined the OIG with a publicly released document. In another case, the OPA termed the OIG's concerns "[didactic and immaterial](#)."
3. Why has only Part 1 of the CCS been released? Why is there a supposed Part 2? The current public-facing document appears to address the available evidence included in the investigation documents and the ROI. What will Part 2 address? Was there evidence that was withheld from the OIG auditor? If so, why? Wouldn't this be against protocol?
4. Why did Hendry see fit to focus primarily on bike tactics in his interview with Dymant as a witness officer, rather than on what he witnessed that day? This decision is particularly noteworthy, because Dymant was one of two commanding officers for bicycle officers that day, and bicycle officers were the ones who rode into the crowd, yet Dymant was the only one of those two officers interviewed.
5. Why did Hendry never bother to follow up with SPOG in an attempt to get specific video from them? Why did he specifically tell SPOG that their cooperation was voluntary? Are OPA investigators required to inform SPOG every time they request information that cooperation is voluntary?
6. Why did the OPA fail to interview key officers from the day's events — including the officer acting as in-crowd intelligence and that person's commanding officer; Ziemer, who attempted to arrest someone allegedly suspected of carrying an explosive device; or Brooks, who was both in the car with Allen and interacted in a meaningful way with Ziemer, post-arrest attempt — yet manage to interview lower-level officers who, overall, had less involvement and thus, it would seem, less information?
7. Along those lines, with regards to Hendry's ROI, why does the OPA claim in the CCS that the presence of a trash bag was immaterial to officers' decision to rush the crowd? When he speaks with Brooks about the arrest attempt, Ziemer specifically says that the bag he grabbed from that person may have had the alleged Molotov in it. Given that he

appears to have believed this, how can the OPA claim that the presence of a trash bag was unimportant and that Hendry's omission was, essentially, no big deal?

8. Why did former director Myerberg retroactively O-K the use of untrained bicycle tactics, specifically shoving people with the front wheel of the bike tire, as stated by multiple SPD officers? Wouldn't greenlighting an untrained tactic naturally create a situation in which the Incident Commander (in this case, Allen) could not predict or know what tactics their officers were going to use in the field, thereby not only essentially introducing "carte blanche" in the moment, but also creating confusion, disorder, and no incentive to follow SPD protocol and training? Wouldn't that also mean that the Incident Commander could not be held accountable for any officers' untrained tactics in the field, even though, according to SPOG reps and officers, they technically are supposed to be held accountable for all tactics? Is it standard practice for the OPA director to retroactively greenlight out-of-policy tactics, effectively creating SPD policy?