

The purpose of this Order is to set forth Citizens' Police Review Board (CPRB) policy regarding investigative procedures.

Phase 1 – Preliminary Considerations and Fact Gathering

- A. Know when an investigation is warranted
 - 1) In response to a formal complaint;
 - 2) When it is required by law; and
 - 3) When a major incident has occurred, e.g. OIS, In-custody death, etc., even if no wrong-doing is suspected.

- B. Case Assignment Considerations
 - 1) The investigator's availability
 - 2) The immediacy of the investigation promptly;
 - 3) The investigator's training, thoroughness, organizational skills, and demeanor;
 - 4) The investigator's ability to understand and analyze the issues and subject matter (investigative scope);
 - 5) The investigator's ability to evaluate and determine credibility; and
 - 6) The investigator's ability to prepare a thorough report of the findings.

- C. Prep for Interviews – preliminary information and documentation needed
 - 1) Formal complaint;
 - 2) Statements, records, emails, etc.;
 - 3) Applicable policies referenced in allegations;
 - 4) Notices sent to parties involved;
 - 5) PDRD footage; and
 - 6) CAD information and audio.

Phase 2 – Conducting Interviews

- A. Identify Witnesses
 - 1) By way of complaint, complainant, and/or other witnesses;
 - 2) Through a neighborhood canvas; and
 - 3) By searching related documents such as police reports, CAD reports, and/or statements.

- B. Interview Order
 - 1) Complainant(s);
 - 2) Witness(es) (civilian);
 - 3) Witness(es) (sworn member); and

4) Subject officer(s).

C. Interview Guidelines

1) Admonitions

- a) Introduction;
- b) Duty to conduct Investigation (in general terms);
- c) Interviewee's role (complainant, witness, subject officer, etc.);
- d) Advice of recording;
- e) Cooperation policy (General Order);
- f) Representative's role (as an observer only in the investigation/interview process); and
- g) Competence of Interviewee (determine their ability to understand the investigation/interview process).

2) General Background

- a) Determine interviewee's personal history and/or work history.

3) Substantive Questions

- a) Start with broad, open-ended, non-leading questions;
- b) Move towards more specific, focused questions about the allegations;
- c) Hearsay is acceptable;
- d) Clarify any related documents; and
- e) Ask tough or sensitive questions after rapport has been established.

4) Closing items

- a) Ask for any other potential witnesses;
- b) Ask to provide any information that has not already been requested or discussed which may be relevant or pertinent to the outcome of the investigation;
- c) Review and confirm each "follow-up" item and set a time frame in which these items will be produced; and
- d) Confirm interviewee's contact information.

D. Interview Techniques and Procedural Checklist

- 1) Set aside adequate time for interview;
- 2) Conduct interviews in a non-threatening and private setting;
- 3) Document start time and stop time of each interview;
 - a) Include day, date, and names of all present during interview.
 - b) Note times, duration, and purpose of breaks during interview.
- 4) Take notes and highlight key facts;
- 5) Use an interview outline;
- 6) Seek corroborating information from key witnesses;

- 7) Seek to resolve inconsistent statements; and
- 8) Provide interviewee with your contact information.

Phase 3 – Make a Determination

A. Access Credibility of Complainant(s), Witness(es), and Subject Officer(s)

This is necessary to resolve inconsistent statements. The investigator will need to determine the:

- 1) Inherent plausibility of one version or another;
- 2) Demeanor and/or attitude of interviewee;
- 3) Motive to lie;
- 4) Presence of corroborating documentary or eye-witness evidence;
- 5) Interviewee's ability to perceive, recollect, and/or communicate relevant facts;
- 6) Interviewee's opportunity to observe and/or perceive relevant facts;
- 7) Interviewee's character for honesty or dishonesty; and
- 8) Prior statements or conduct that is consistent or inconsistent with other witness statements.

B. Analyze the Facts

- 1) Summarize interview statements;
- 2) Analyze document information;
- 3) Resolve credibility issues; and
- 4) Make a factual determination or finding as to whether the events that are the subject of the investigation occurred.

C. Prepare the Final Report

- 1) Purpose of Final Investigation Report
 - a) To thoroughly and accurately document the factual conclusions of the investigation and the reasons for those conclusions;
 - b) To provide a basis for disciplinary and/or employment action; and
 - c) To establish evidence for use in litigation or other future proceeding.
- 2) The Management of an Investigation Report
 - a) The Investigative Report is a confidential document;
 - b) The Investigative Report shall not be disseminated to any person except on the advice of counsel and as authorized or required by law; and when
 - c) Parties, through separate notice, have been informed of the completion and outcome of the investigation.
- 3) Report Contents
 - a) Introduction, table of contents;
 - b) Investigation methodology and/or procedure;
 - c) Brief summary of findings and/or allegations (to include allegation status and reason for the status);

- d) Investigation background to include witness(es) interviewed, documentation examined, relevant personnel policies reviewed, and other relevant evidence, statements, or documentation examined;
- e) Chronology of key events;
- f) Analysis and findings (summary of information from witness(es) and documentation examined);
- g) Credibility assessment; and
- h) Conclusion and/or summary of analysis and findings.