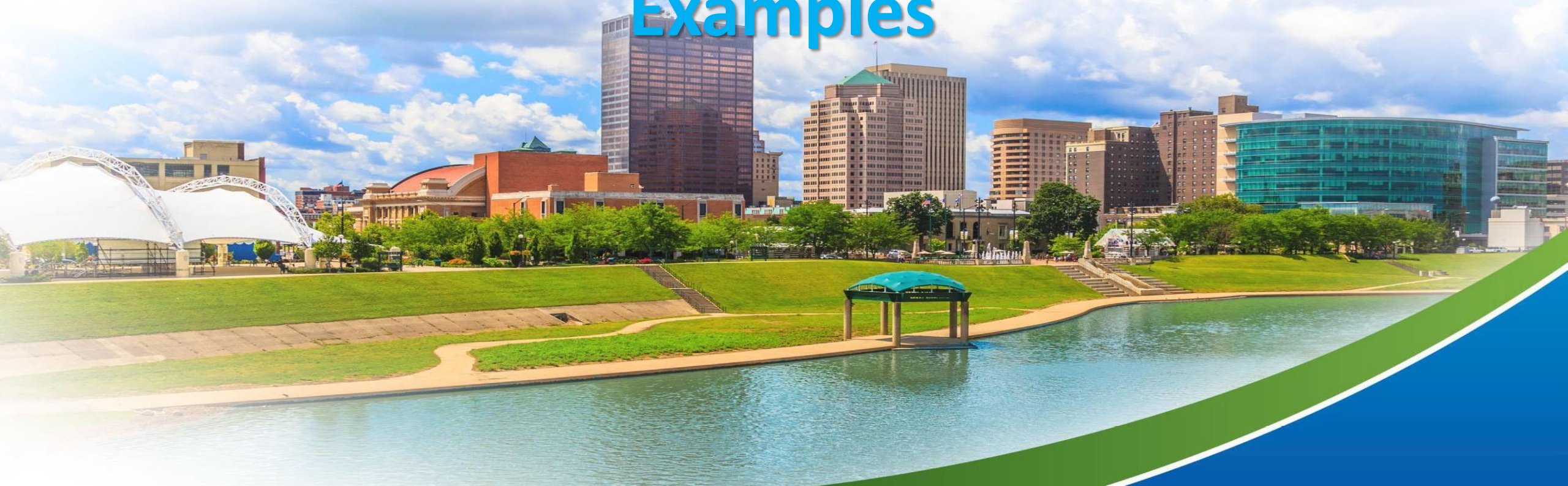




Investigative Process And Other Community Examples



The Investigation

- Investigation performed
 - Often the Supervisor of the subject of the complaint handles investigation
 - If nature of complaint is of more serious nature PSB will perform investigation
- All complaints are logged and tracked in IAPro/BlueTeam software

What Does Investigation Entail?

- Written Statements- Complainant and all witnesses
- Interviews of officer and possibly others
- Special Reports-All involved and witness officers
- All available video and/or audio (Cruiser camera, body cam, Dispatch calls and/or radio traffic)
- Photographs (Scene, injuries, damaged property etc.)
- All available reports
- Documentation of lighting/weather conditions

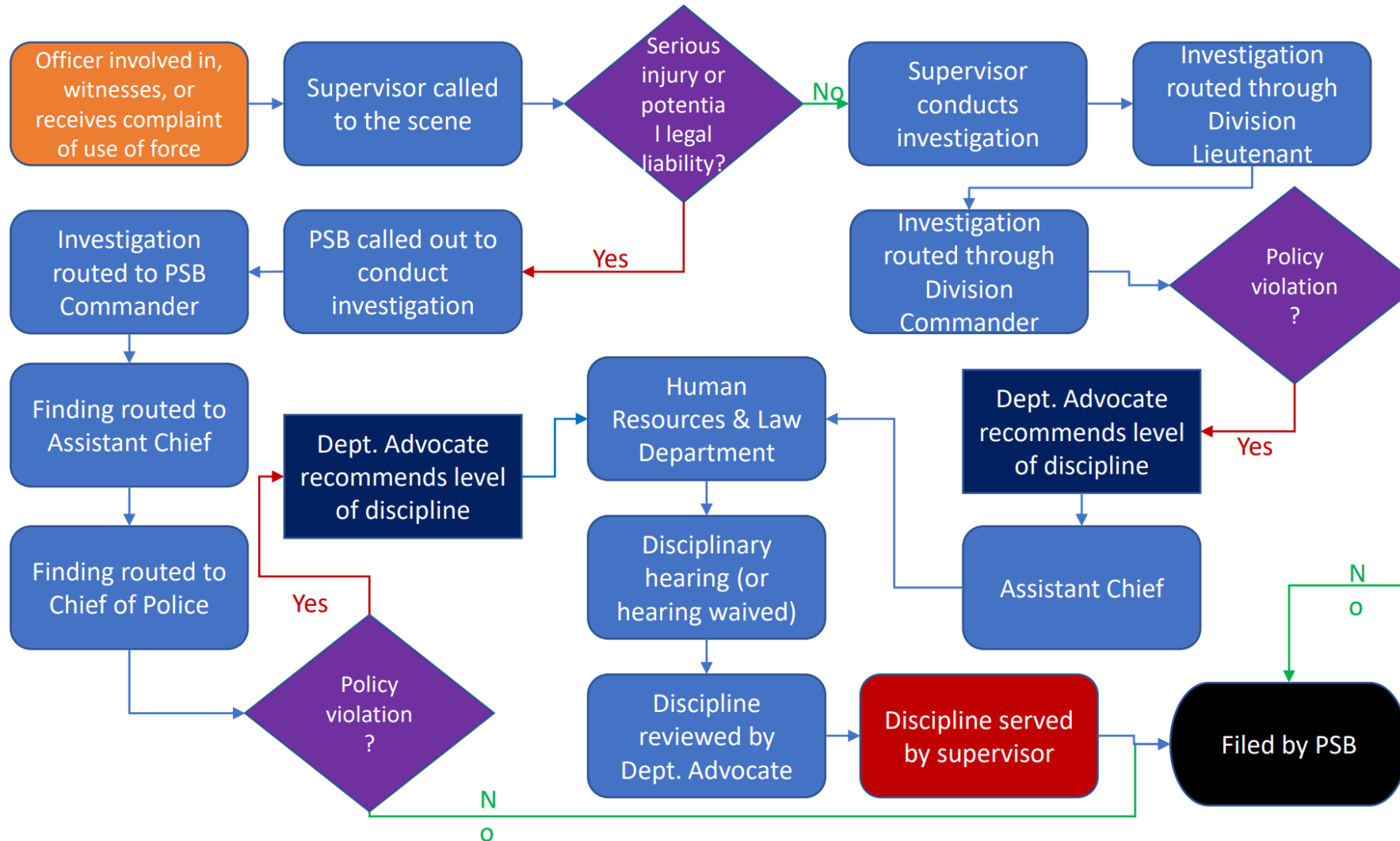
The Investigation

- Four Dispositions of Investigations:
 - **Sustained**- the investigation established sufficient evidence to clearly show that the wrongful act alleged in the complaint did occur
 - **Not Sustained**- that the investigation was unable to find sufficient evidence to prove or disprove the allegations of the wrongful act made in the complaint
 - **Exonerated**- the act described in the complaint did occur, however, the investigation revealed the act was lawful and in accordance with established department policy and procedure
 - **Unfounded**- the investigation proved conclusively that the alleged act did not occur and/or the accused officer did not commit the act or there is no credible evidence to support the complaint

The Investigation

- If Disposition is Not Sustained, Exonerated or Unfounded, the written report of investigation is reviewed at all levels through the chain of command
- If Disposition is Sustained and recommended discipline is written reprimand or lesser penalty, the written report of investigation is reviewed at all levels through the chain of command and discipline is administered
- If Disposition is Sustained and recommended discipline is suspension or greater, then Human Resources is asked to review the matter and generate charges and specifications

Use of Force Investigation Flow Chart



Complaint Filed

PSB or Police Supervisor
Handles
Complaint/Investigation

1. Interview officers
2. Interview witnesses

1. Not Sustained
2. Exonerated
3. Unfounded

Has the right to
appeal to Citizens
Appeal Board ("CAB")

1. CAB may subpoena witnesses.
2. CAB may request additional investigation from PSB.
3. CAB may sustain or not sustain investigation
4. CAB cannot administer discipline.

1. Sustained

Reviewed at all levels
through chain of command
and discipline administered

Cincinnati Process

- Citizen Complaint Authority (CCA) was established in 2003 as a result of Memorandum of Agreement with Department of Justice and the City
- CCA has 3 components:
 - Advisory Board of 7 citizens appointed by Mayor and approved by City Council
 - Executive Director is full time position with a support staff
 - Team of professional investigators
- CCA is an independent civilian oversight agency which investigates allegations of discharging of firearms, deaths in custody, use of excessive force, discrimination, improper pointing of firearms and improper searches and seizures against Cincinnati Police Officers
- All other complaints against Cincinnati Police Officers are addressed directly by the Cincinnati Police Department (CPD); this includes the allegations of discourtesy, lack of service, harassment or procedure violation. These types of complaints are often handled through CPD's Citizen Complaint Resolution Process (CCRP)

Cincinnati Process

- Investigation done by CCA Investigator
- CCA Investigator drafts an investigative report
- Executive Director of CCA forwards an investigative report to the board of citizens and may recommend hearing
- Hearings are not adversarial and not intended as reinvestigation
- Findings and recommendations are submitted to the city manager and police chief

San Jose Process – Police Auditor

- Established Independent Police Auditor (IPA) – Staff of 4.
- Mission is four fold: oversight, outreach, recommendations, relationship building
- IPA intakes complaint, sits in on officer interviews, and monitors investigation
- Internal Affairs makes finding; report goes to IPA
- IPA audits the investigation.
- If IPA disagrees with findings, city manager will make determination.

San Jose Process

