

★ PUBLIC INTEGRITY BUREAU ★



INVESTIGATIVE SUMMARIES PIB Annual Peer-to-Peer Training November 20, 2024



WHAT IS THE PURPOSE OF AN INVESTIGATIVE SUMMARY?

Upon completion of all investigative steps, the investigator is responsible for properly summarizing the facts of the case and recommending investigative findings.

Summarize all relevant evidence and facts surrounding the incident, which will be used to render a finding for each allegation of misconduct.

The summary is an overview of the investigative procedures and results for each case, covering the complainant, witnesses, the respondent, and relevant data. Its purpose is a neutral outline of statements, evidence collected, and facts obtained without personal commentary.



THE INVESTIGATIVE SUMMARY CONSISTS OF THE FOLLOWING:

- A list of all Complainants
- A list of all the respondents
- A Basis of Complaint
- A list of the Compliant/Allegation(s)
- A summary of the initial complaint and how it was obtained
- A summary of the complainant(s) statement(s)
- A summary of any Civilian witness(es) statement(s) (if applicable)
- A summary of the associated CAD report and KGA (if applicable)
- A summary of any relevant BWC footage (if applicable)



THE INVESTIGATIVE SUMMARY CONSISTS OF THE FOLLOWING:

- A summary of any relevant CCTV footage (if applicable)
- A summary of any relevant Incident reports (if applicable)
- A summary of any relevant miscellaneous documents or verified information (if applicable) (examples- medical records, HRO, Axon Audits, etc.)
- A summary of any Sworn witness(es) statement(s) (if applicable)
- A summary of the Respondent(s) statement(s) (if applicable)
- Associated Departmental Policies, Guidelines, and Standard Operation Procedures
- An investigative finding



BEST PRACTICES

- An Investigative Summary must be written clearly allowing any individual, regardless of educational background, to understand the facts surrounding the incident.
- Police jargon should not be used unless it is quoted and a definition provided.
- Use timestamps for audio and video files when referring to a specific point.
- Most abbreviations should not be used.
- Should be proofread before submitting for review to limit the amount of grammatical mistakes.
- The Investigative Summary should be written in Times New Roman, 12-point font, with justified paragraph alignment. This is so all cases appear uniform and professional.
- Stay consistent throughout your summary.



KEEP A RUNNING SUMMARY!!!

As you are gathering relevant evidence and information concerning your case it is important to keep a running summary, which is up to date.

This allows you to keep all of your thoughts and the facts of the case organized.

Gives you the ability to locate all of the evidence and information concerning your case before interviewing the respondents to ensure a thorough interview.

Allows a case to be submitted in a timely manner.



REFERENCE PAST CASES

Each case should be evaluated based on its own merits, and previous cases should not be considered as evidence for new allegations.

- Example: “In PIB case# 2023-1900, Sergeant John Doe was sustained for inappropriate comments and gestures. Because of this, Sergeant Doe more than likely used an inappropriate comment toward Ms. Jane Smith during this new incident.

***Patterns in relevant disciplinary history or training records may be considered during the investigation, but are not used solely as the reasoning for a finding**

If a case does involve an allegation that was covered in a previous case, the previous PIB Case# should be cited in your case.

- Example: “The allegation of misconduct made by Ms. Smith was not a new allegation and was investigated under PIB case# 2023-1929”



MATERIAL DIFFERENCES

Some cases involve conflicting statements provided by different parties. This is commonly referred to as a “He said, She said” scenario.

- Statements from involved parties and witnesses must be carefully assessed for relevance and credibility.
- Ensure to document credibility determinations including evidence supported determination. Credibility determinations must be supported by other evidence or credible testimony.

Only objective criteria relating directly to the truthfulness or credibility of the person should be used in deciding what weight is to be given to their testimony. Some examples include:

- Statements that are not consistent with facts or are consistent with facts
- A history of untruthfulness
- Statements that are not corroborated by other evidence (Example: BWC review)



MATERIAL DIFFERENCES

A complaint was filed against Officer John Smith, stating he used profanity against Mr. Jack Jones, while he was walking out of a convenience store.

- During the investigation, no camera footage was obtained.
- The complainant's statement was consistent with his original complaint.
- The respondent's statement conflicted with the complaint and stated that the incident never occurred. He does recall seeing Mr. Jones but only said "good morning to him"
- The investigator discovered a third party, a non-member of the department, with no vested interest, was at the location, and witnessed the interaction between Officer Smith and Mr. Jones.
- This witness' statement was consistent with Officer Smith's statement.

With these points what could be a possible finding for this case?



INVESTIGATIVE FINDINGS

For each allegation of misconduct, Investigators shall identify and recommend one of the following dispositions for each allegation in an investigation:

- **Sustained:** Investigation determines, by a preponderance of the evidence, that the alleged misconduct more likely than not did occur.
- **Not Sustained:** Investigation is unable to determine, by the preponderance of evidence whether the alleged misconduct occurred.
- **Unfounded:** Investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the employee under investigation.
- **Exonerated:** Investigation determines, by a preponderance of the evidence, that the alleged conduct did occur, but did not violate BPD policies, procedures, or training

“Remember 51 percent is considered preponderance of evidence”

To prove an element by a preponderance of evidence simply means to prove that something is more likely than not.

Ensure that all misconduct or violations, whether or not specifically identified by the complainant, are

- Identified in documentation
- All misconduct and violations are fully investigated.



INVESTIGATIVE FINDINGS

- Carry out investigations aimed at uncovering facts instead of supporting a preconceived conclusion or ignoring relevant information.
- All Investigative Findings should include a summarization of all relevant evidence and information written in the Investigative Summary, which was used to determine the findings.
- The Investigative Findings should only include facts and should not include the investigator's feelings or personal beliefs.
- When citing a policy or guideline, the exact section from the source should be written, and an explanation of how the member violated or adhered to the policy or guideline should be included. (make use of bold text for this)
- Each allegation needs to be addressed, and a determination made. This determination needs to be supported by Departmental Policy



INVESTIGATIVE FINDINGS EXAMPLE

Based on Officer John Doe's body-worn camera footage and recorded statement, on July 10, 2024, at approximately 1600 hours, Officer Doe responded to a larceny from an auto call for service at 3500 West Northern Parkway. Officer Doe was observed activating his camera while approaching Ms. Jasmine Davis's front door. Officer Doe failed to activate his body-worn camera before exiting his patrol vehicle, violating **Policy 824, Body-Worn Camera, Mandatory Recording, Section 14.2**. Therefore, the allegation of **Failure to Operate BWC as Required** against **Officer John Doe** is hereby rendered as **Sustained**.

Based on Ms. Jasmine Davis' recorded statement and Officer John Doe's body-worn camera footage, Officer Doe did not neglect his duties by failing to author an incident report for Ms. Davis' call for service. During Officer Doe's investigation, he learned, Ms. Davis' vehicle was broken into while she was at work in Baltimore County. Due to the incident occurring in another jurisdiction, Officer Doe was not required to author an incident report in accordance with **Policy 104, Incident Reporting, Required Action, Sections 2, and 2.2**. Therefore, the allegation of **Failure to Write a Report** against **Officer John Doe** is hereby rendered as **Exonerated**.



GROUP ACTIVITIES



SPOT THE ISSUE

Investigative Finding

- It was alleged, that Police Officer Luke S. Walker neglected his duties on July 15, 2024, when he failed to investigate an Armed Robbery call for service involving Ms. Jackie Davis. It is also alleged that Officer Walker did not provide key details within the Incident report he authored.
- After reviewing Officer Walker's body-worn camera, it was determined, he received substantial information, from Ms. Jackie Davis, such as the possible identification of a suspect concerning an armed robbery but did not further investigate this allegation. Officer Walker was also made aware of possible video footage concerning the incident involving Ms. Davis. After reviewing Officer Walker's incident report, it was determined, he failed to include any substantial information he received, which was observed on his body-worn camera.
- During Officer Walker's recorded statement, he advised, he did not process what was being told to him by Ms. Davis, due to him being "extremely tired," and because of this, he did not investigate Ms. Davis' claims. Officer Walker believed he was on "auto-pilot" during this incident and for the remainder of his shift, which was why he did not remember to include the information given in his incident report.



SPOT THE ISSUE CONTINUED

- Officer Walker was drafted on July 14, 2024, which caused him to work a total of 16 consecutive hours from 0645 to 2245. Officer Walker, after leaving work on July 14, 2024, had to drive a total of 2 hours to his home and did not fall asleep until 0200 hours on July 15, 2024. Officer Walker woke up at 0400 hours in order to report for duty on July 15, 2024, at 0645 hours, which meant that he only received approximately two hours of sleep.
- Based on Officer Walker's exhaustion, it was determined, it was reasonable to believe, that any member might miss information given to them. Many people need different levels of sleep to maintain their cognitive abilities. This investigation failed to prove or disprove Ms. Davis' allegations. Therefore, the allegation of Neglect of Duty against Officer Luke S. Walker is hereby rendered as Not-Sustained.



LET US UNDERSTAND

Based on Officer Walker's exhaustion, it was determined, it was reasonable to believe that any member might miss information given to them. Many people need different levels of sleep to maintain their cognitive abilities. This investigation failed to prove or disprove Ms. Davis' allegations. Therefore, the allegation of Neglect of Duty against Officer Luke S. Walker is hereby rendered as Not-Sustained.

Not Supported by Facts

Not Supported by Policy

All evidence points towards a sustained finding



PLACE IN ORDER

Body-Worn Camera Footage
Civilian Witness Statements
Basis of complaint
CAD Reports
Findings
Incident reports
Sworn Witness statement
Associated Policies
Respondent Statement
Initial Complaint/Obtained

- 1. Basis of complaint**
- 2. Initial Complaint/Obtained**
- 3. Civilian Witness Statements**
- 4. CAD Reports**
- 5. Body-Worn Camera Footage**
- 6. Incident Reports**
- 7. Sworn Witness Statements**
- 8. Respondent(s) Statement**
- 9. Associated Policies**
- 10. Findings**





QUESTIONS?
