

## **PIB/CRB INVESTIGATIONS PROTOCOL**

August 17, 2020

This document, together with the PIB/CRB Protocol for Complaint Intake & Classification, describes the process for the Baltimore Police Department's (BPD) Public Integrity Bureau (PIB) and the City of Baltimore's Civilian Review Board (CRB) to:

1. Notify each other of public complaint allegations that fall within CRB's statutory purview
2. Share certain information/evidence on the complaint
3. Review the investigative findings

### **I. Initiation of investigations**

#### **A. PIB Weekly Intake Report**

1. PIB shall notify CRB of every complaint which has been received and classified in the preceding week by sending CRB a Weekly Intake Report, via email.
2. The PIB Weekly Intake Report shall include in its summary description of each complaint:
  - a. The date the case was received.
  - b. The PIB case number.
  - c. PIB's classification of the allegations contained in the complaint.
  - d. Names and sequence numbers of the respondent/subject officers, if known.
  - e. A brief description of the complaint.
3. For a complaint PIB classifies as not containing a CRB-eligible allegation, PIB shall redact from the Weekly Intake Report the names and Sequence Numbers of the respondents/subject officers.

#### **B. CRB notification of investigation**

1. CRB shall notify PIB, via email (with a copy of the email saved in the IAPro case file), of every complaint which it receives, within two (2) business days of receiving the complaint.
2. CRB shall include in its notification to PIB:
  - a. A copy of the complaint form.

- b. The CRB case number of the complaint.
3. CRB's Board shall, for every CRB-eligible complaint which it receives (whether from PIB, the public, or another source):
  - a. Review the complaint at the next scheduled meeting, following receipt of the complaint, or within thirty (30) days of the receipt of the complaint.
  - b. Determine whether it wishes to open an investigation into the complaint.
4. CRB's Board shall provide notification to PIB, via email (with a copy of the email saved in the IAPro case file), of the decision of its Board to open an investigation into a complaint, including in its notification:
  - a. The PIB and CRB case numbers of the complaint, if the PIB case number is available.
  - b. CRB's classification of the allegations contained in the complaint.
  - c. The date falling 90 days after the complaint was received by CRB for PIB to meet the statutory requirement for completed investigations (per PLL§16-45).
5. PIB shall create a duplicate IAPro case file accessible to CRB within two (2) business days of receiving notification that CRB is opening an investigation into a CRB-eligible complaint.

## **II. Interaction during investigations**

### **A. CRB Information Request Form**

1. CRB shall request specific information about a case, which it is actively investigating, from PIB using the CRB Information Request Form (Request Form).
2. CRB shall include in each Request Form the CRB and PIB case numbers, if the PIB case number has been provided to CRB.
3. PIB shall review every Request Form which it receives, forward the Request Form to the assigned PIB Investigator for the case, and save a copy of the Request Form in the IAPro case file.
4. The PIB Investigator or a PIB Supervisor shall inform CRB via IAPro or email (with a copy of the email saved in the IAPro case file) within five (5) business days of the status of the requested information.

### **B. PIB information sharing requirements**

1. PIB shall notify CRB, via email, if a CRB-eligible investigation, which has

been opened by CRB, shall not be completed within the ninety (90) day deadline (per PLL § 16–45) which was provided to PIB by CRB.

- a. PIB shall explain the deadline extension request and provide a new deadline. This extension request will be documented in the PIB and CRB case file.
2. PIB shall ensure that all new information is shared with CRB according to paragraphs IV.F.4-5 of the OPR/CRB Classification and Intake Protocol. Among other things, these paragraphs require the assigned investigator to ensure that all new information which is uploaded to the PIB IAPro case file for a CRB-eligible complaint, be copied to the linked CRB IAPro case file no later than the end of his or her tour of duty.
3. PIB shall not copy evidence to the CRB case file which is restricted or sensitive (per Sections VI and VII of the OPR/CRB Classification and Intake Protocol).
4. PIB shall further ensure that the case file includes Evidence.com links to such footage within five (5) business days after creating the CRB IAPro case file.
  - a. When PIB must redact BWC footage to exclude information which is restricted or sensitive (per Sections VI and VII of the OPR/CRB Classification and Intake Protocol), PIB will notify CRB of the need for additional time to complete the redaction and the parties will establish a mutually agreeable deadline for providing the redacted footage. This notification will be documented in the PIB and CRB case file.

C. PIB receipt of respondent/subject officer interview questions from CRB

1. For every case which CRB is also investigating, the PIB Investigator shall provide a notification to CRB, via email (with a copy of the email saved in the IAPro case file), as soon as that case has advanced to the point where PIB is prepared to interview the respondent/subject officer.
  - a. PIB shall include in its notification the PIB and CRB case numbers for the investigation.
  - b. PIB shall provide its notification to CRB as soon as PIB has notified the respondent's attorney of PIB's intention to conduct an administrative interview.
  - c. PIB shall provide notification to CRB at least five (5) business days before the date of the scheduled interview.
2. CRB shall provide, via email, interview questions for PIB to ask the respondent/subject officer during the respondent/subject officer interview. PIB shall save a copy of the email in the IAPro case file.

3. PIB shall incorporate CRB's questions, or a form of their questions, into its interview of the respondent/subject officer, if these questions are received prior to the scheduled date of the interview and are in accordance with the requirements of the PIB Investigations Manual.
4. PIB shall not notify the respondent/subject officer which questions were provided by CRB.
5. PIB shall provide notification to CRB, via email (with a copy of the email saved in the IAPro case file), as soon as the respondent/subject officer interview has been concluded and the audio of the interview has been added to the IAPro case file.

### **III. Review of investigations**

#### **A. PIB notification of completion of investigation**

1. A PIB Investigator shall notify CRB, via email (with a copy of the email saved in the IAPro case file), as soon as the investigation into an open CRB case is complete and submitted to PIB Command for review.

#### **B. CRB notification of completion of investigation**

1. A CRB Investigator shall forward the completed casebook to CRB's Board as soon as the investigation is complete.
2. CRB's Board shall review the case at the next scheduled Board meeting, following the completion of investigation, or within thirty (30) days of the completion of the investigation.
3. Following its review of a completed investigation, CRB's Board shall share with PIB, via email:
  - a. The Board's determination of findings for the allegations of the case, i.e., its determination letter.
  - b. The executive summary of the CRB investigation (for cases which CRB's Board determines to be sustained) to be reviewed by PIB Command and the Disciplinary Review Committee (DRC).
    - i. The executive summary shall be a summary of the salient points of the Board's deliberation.
    - ii. The final draft of the executive summary shall be written by a member of the Board.
    - iii. The Board shall exclude from its executive summary any information which it believes might expose the identity of a complainant or witness.

- c. The Board's disciplinary recommendations for the respondents (for cases which CRB's Board determines to be sustained).

**C. DRC review of CRB disciplinary recommendations**

1. The DRC shall review CRB's disciplinary recommendations prior to their final determination of disciplinary actions for a case, provided that CRB has shared its disciplinary recommendations in a timeframe which allows the DRC to thoroughly examine CRB's disciplinary recommendations.
2. CRB shall provide its disciplinary recommendations to DRC no later than close of business on the third (3<sup>rd</sup>) Thursday following the conclusion of PIB's investigation.
3. If the DRC is to consider the case earlier than the third (3<sup>rd</sup>) Thursday following the conclusion of PIB's investigation, PIB shall:
  - a. Provide CRB with notification, via email, of the scheduled date for the DRC to consider the case.
  - b. State the reason why the DRC must occur prior to the third (3<sup>rd</sup>) Thursday following the conclusion of PIB's investigation.

**IV. Law Enforcement Officers' Bill of Rights and Maryland state law**

No provision of this Protocol shall require BPD to violate the Law Enforcement Officer's Bill of Rights (MD Pub Safety Code § 3–101 to § 3–113) or any Maryland state law.

**V. Dispute Resolution Procedures**

In the event that a dispute arises during any of the procedures outlined above, the following steps will be taken.

1. If the disagreement pertains to a matter that is not a Sensitive Case, the CRB designee will notify the Administrative Unit and request an opportunity to discuss the issue. The parties shall complete the discussions within 10 business days of the CRB request. If after the discussion the disagreement continues,
2. The Chief of PIB and Administrator of CRB (or designee) will communicate directly to attempt to resolve this difference of opinion. If the disagreement continues,
3. The Chief of PIB, Board Chair, and Administrator of CRB (or designee) will meet with the Director of the Mayor's Office on Criminal Justice to attempt to resolve the matter.
4. At all times, the CRB retains the option to exercise its statutory authority to

- subpoena materials from BPD. P.L.L. § 16-46(b)(1)(ii).
5. As part of their public reports, CRB and PIB shall present aggregate data about the invocation of the dispute resolution procedure under this Section.

**ASSOCIATED BPD POLICIES**

Policy 306, *Complaint Intake and Classification Process*

Policy 1735, *Language Access Services for Limited English Proficient (LEP) Persons.*

*PIB Classification Protocol*

*PIB Internal Operations and Training Manual*