



PIB INVESTIGATOR TRAINING

E-Learning Module 2: Planning the Investigation

INTRODUCTION

Part 1



Public Integrity Bureau

The Public Integrity Bureau (PIB) is responsible for the **fair and consistent** implementation of the disciplinary process throughout the Baltimore Police Department (BPD). Fundamental to this process is the investigation of all allegations of misconduct by BPD members.



Confidentiality

PIB Members
must maintain
the highest
degree of
confidentiality

- Personnel is prohibited from disclosing or confirming to anyone outside PIB whether a complaint has been made or an investigation is being conducted
- All investigative information must be secured at all times
- All media requests should be immediately referred to the Media Services Section

Pages 53-54

Due Diligence

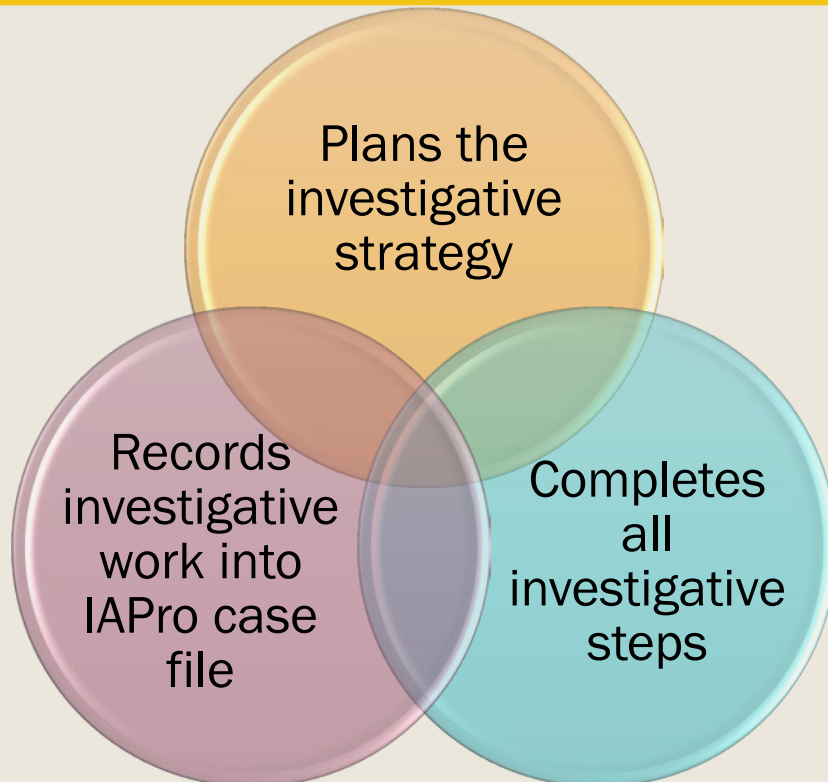
- Investigators must explore and pursue all reasonable investigative leads
- Both checklists (initial & 30-day) must be completed. Any non-applicable areas should be marked “N/A.”

Investigations must be completed regardless of what happens to the member or complainant

If there is potential criminal conduct by BPD personnel, investigator needs to notify chain of command immediately

Role of Primary and Secondary Investigators

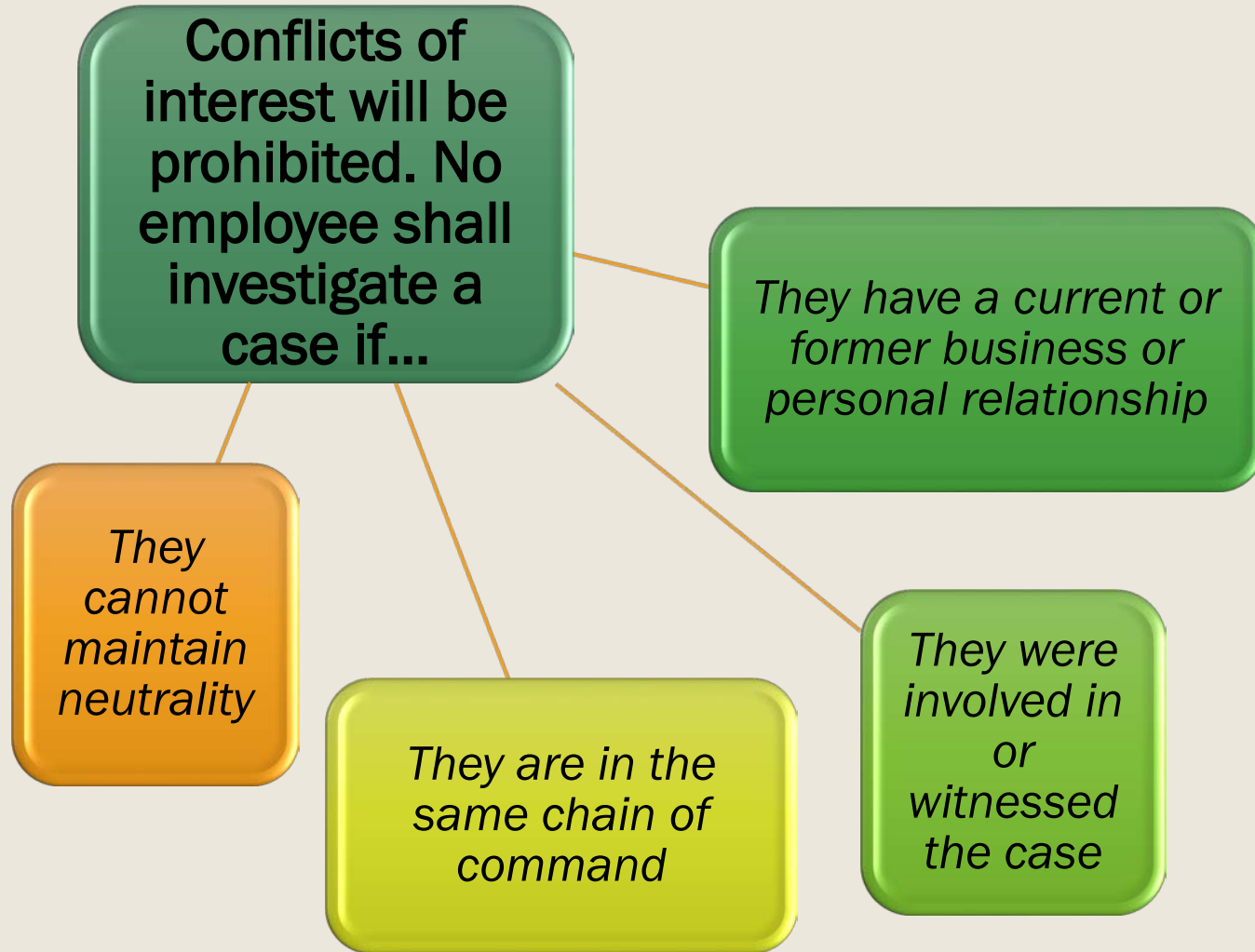
Primary Investigator



Secondary Investigator



Conflicts of Interest



Investigator must submit recusal form within a day of being assigned to the case

PLANNING THE INVESTIGATION

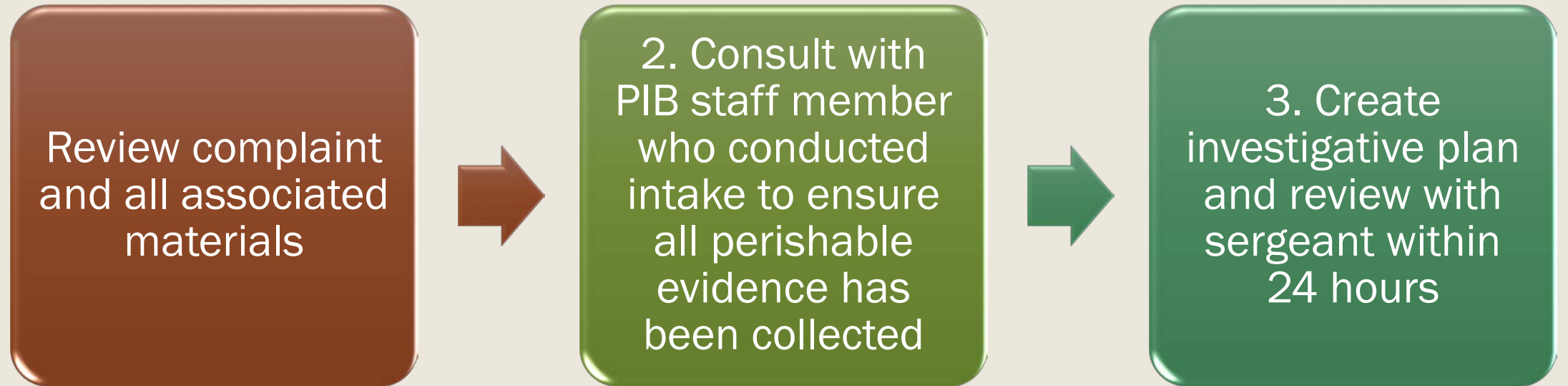
Part 2



Organize Investigative Packet

Organize and upload all materials received to the IAPro case file.

Planning the Investigation



Identify Allegations/Issues



Review

- *BPD Policies related to any alleged violations*
- *Public safety statements*
- *Statements (incident reports, arrest reports, UOF reports, etc.)*

Include

- *Photo of officer(s) involved from InPursuit RMS*
- *Copy of policies at issue (all relevant versions)*

Identify

- *Legal elements needed to sustain each allegation*

Identify Witnesses and Others with Relevant Information

Create a list of witnesses and others who might have relevant information (note contact info).

Consider conducting a formal interview with the complainant, even if they were interviewed at intake.

Identify issues about which each individual is likely to provide testimony.

Highlight discrepancies to review with individuals

- testimonies and tangible evidence

Consider the order in which to interview individuals



Evidence List

- Create a perishable documentary/physical evidence list (prioritize perishable evidence)
- Identify easy to gather evidence and collect first
- Make a plan on how to obtain more complicated items
- Follow policies:

1401: Control of Property and Evidence

1017: Mobile Device Searches

1011: Electronic Surveillance Procedures

Timelines

Set out anticipated
chronology for the
investigation

Identify tangible
evidence needed
before each
interview

Consider whether
holidays, training,
absences (for you
or witness), etc.
will impact
timeline.

Make an objective
time estimate for
each portion of
the investigation.

Consider whether
case is CRB-
eligible and will
require CRB
approval beyond
90 days.



Special Considerations

Does the named employee or complainant have other open PIB cases with which the investigator should be familiar?

Is assistance from outside PIB necessary, such as forensic video analysis?

Is the complaint related to another PIB complaint or to any other BPD investigation, investigation by another agency, or litigation from which material evidence might be obtained?

Is assistance from others in PIB necessary due to complexity of case or time sensitivity issues?

Review of Investigation Plan

Investigator may consult Legal Affairs to determine whether additional steps should be taken |

Plan should be developed in conjunction with the investigator's supervisor

Initial review within 1 business day

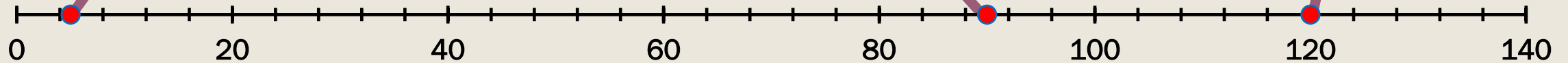
Supervisor then needs to return in 1 business day

Time Limitations

Within 5 Days, the Investigator will reach out to the complainant

Administrative Investigations must be completed within 90 days from the date of the complaint.

Investigations must be completed within 120 days if granted a 30 day extension.



Important Notice

Before an officer can be interviewed about an allegation during an administrative investigation, a notice in writing must be provided to the officer.

CONDUCTING THE ADMINISTRATIVE INVESTIGATION

Part 3



Investigative Checklist

1. Must use the Initial and 30-Day Investigative checklists

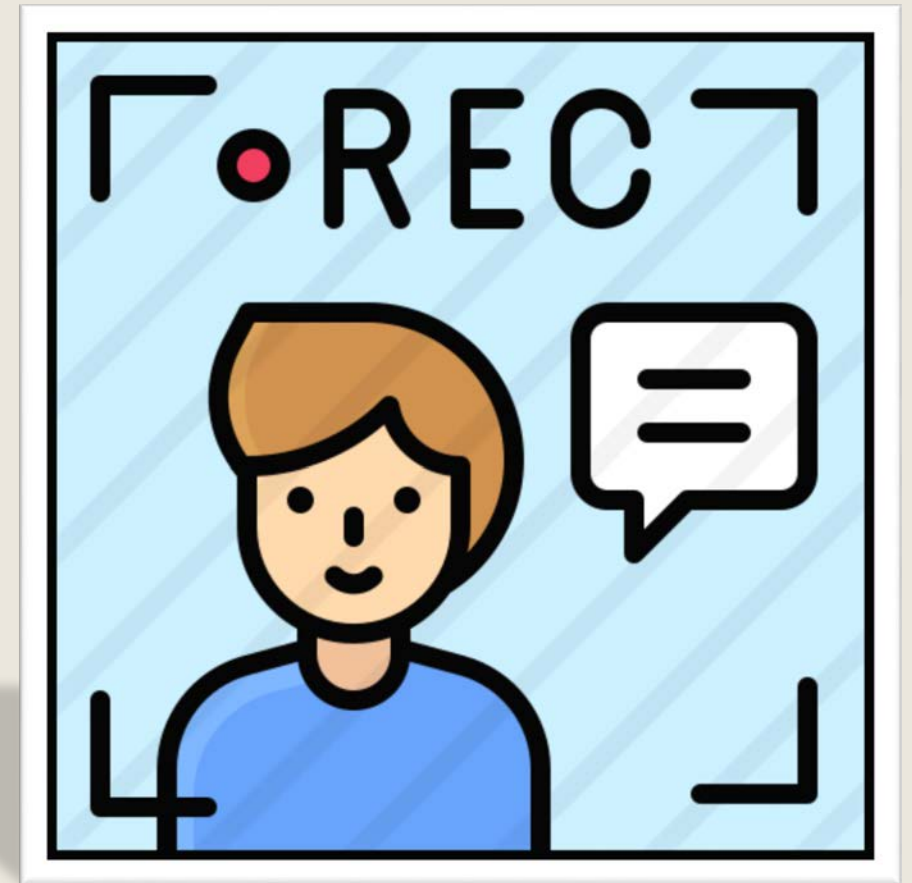
2. Don't have to wait for initial supervisor meeting to begin

3. Remember, any steps that don't apply to the given case should be marked N/A

Identifying and Contacting Complainants, Witnesses, and Accused

- Should be interviewed as soon as practical
- Record all interviews (video and audio, audio at minimum)

If consent to record is not provided, the investigator must document the refusal and take thorough notes during the interview. In these circumstances, prepare a narrative summary of the interview immediately after the interview to include in IAPro case file.



Initial Complainant Contact

Locate and interview in-person all complainants at a time and place that is convenient for them

If not possible, a recorded phone interview is acceptable

If the complainant has been arrested or may face criminal charges related to the same incident, investigator should still try to conduct a recorded interview. Advise individual of their 5th amendment rights, ask them if they have retained counsel if charges have been filed and contact attorney if they have.

Must document all communication with anyone involved in case including calls, call attempts, voicemails left, letters sent, texts, etc.

Contacting and Arranging an Interview of the Complainant

- Investigator needs to reach out to complainant by phone within one business day to introduce themselves and schedule an interview
 - *Leave voicemail if they don't pick up*
 - *Ask the complainant about the existence of electronic or media evidence such a texts, photographs, video, or recordings*
 - *Explain the investigative process to the complainant*
 - *Note that retaliation is prohibited*

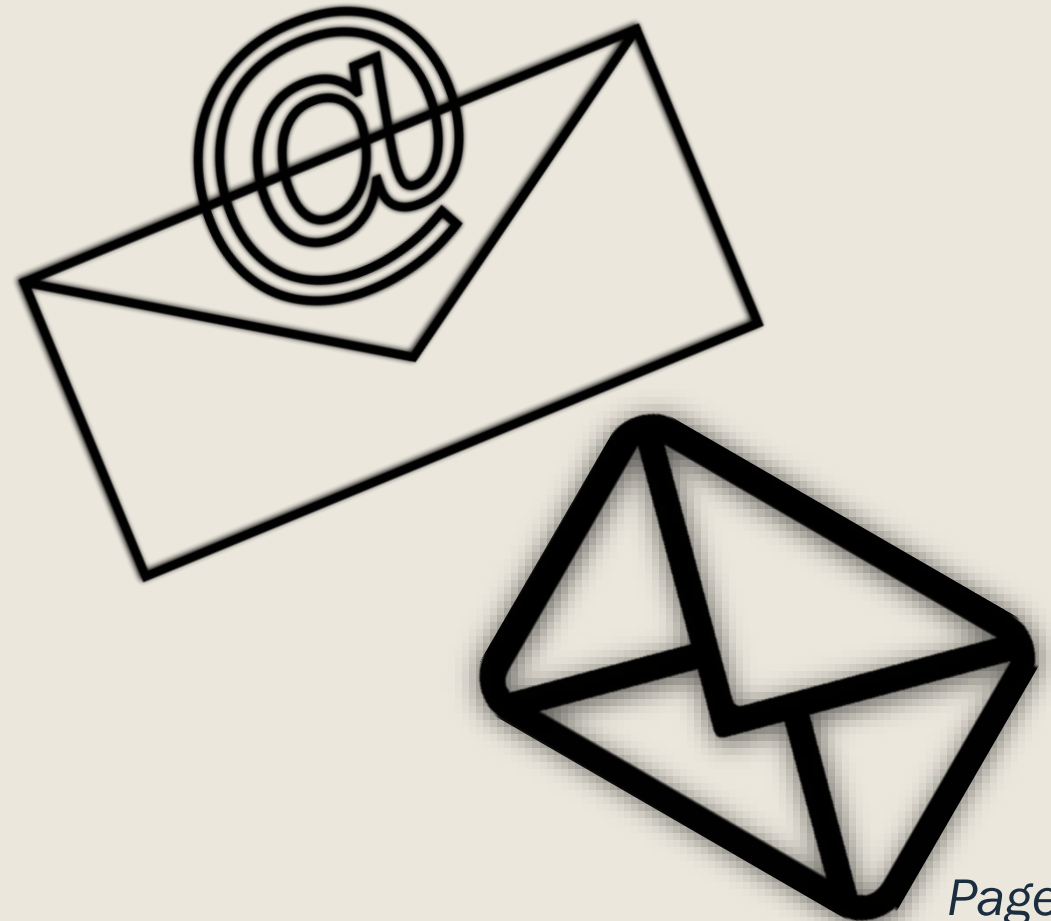
*If the number is no longer in service, search in databases or the internet to find a viable number



Contacting and Arranging an Interview of the Complainant

Must also compose and send a letter/email within 5 business days of case assignment

Letter confirms time and place of interview if already established during initial call. If complainant was not reached by phot or interview was not established, letter must propose a time and place for interview.



Complainant Wishes Not to Participate

PIB investigators will thoroughly investigate all allegations whether or not the complainant is participating

Anonymous complaints will be provided the same level of scrutiny as those with named complainants

Complainant Wishes Not to Participate

If unable to make contact, try to...

Call at three different times (morning, afternoon, end of shift) from recorded line, leave a message, and note in the IPro case file the date and time of attempted calls.

Send a text message after second unanswered call and request callback

If calls or texts do not yield results, visit the complainant's home, leave contact card

Finally, check for alternative addresses

Complainant Refuses to Participate

Step 1

Attempt to record request with an audio and video recording

Step 2

Include the information in the IAPro file, noting specifically what complainant said

Step 3

Inform complainant that the complaint will still be investigated as thoroughly as possible

Step 4

Investigation should move forward by other means

Complainant Wishes to Withdraw a Complaint

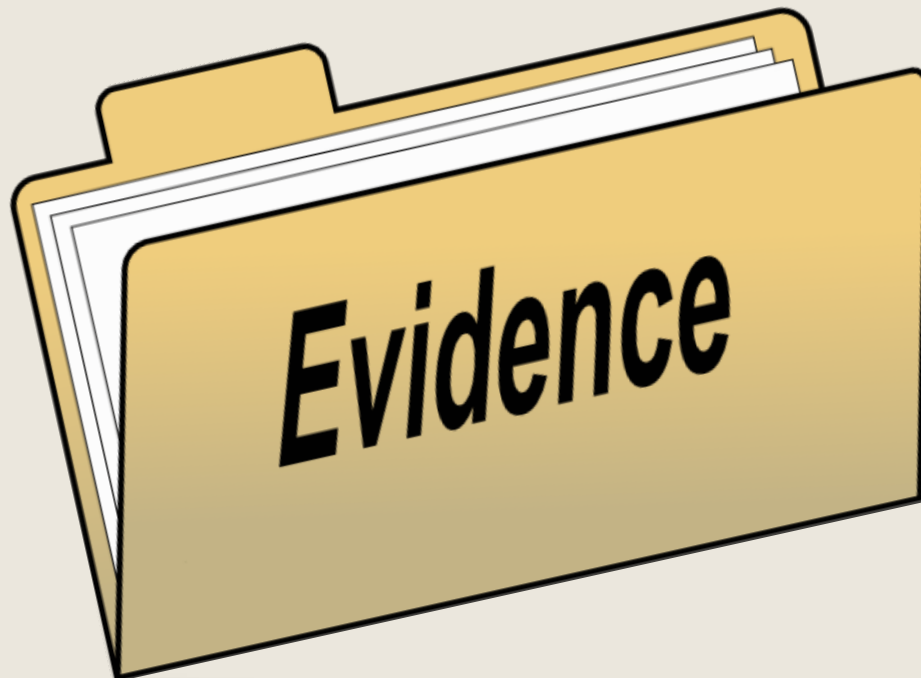
- Complainant must complete a Request to Withdraw Complaint Form

Investigation will still continue regardless

- Upon receipt of form, attempt to audio and/or video record complainant to obtain an explanation of why complainant wants to withdraw.
- If complainant refuses to do any of this, investigator must memorialize the withdrawal in writing
- Investigator must inform complainant they can always participate at a later date if they want

Remember

The investigator must ensure that the reason stated for the recommended finding is based on the evidence collected and not the fact that the complainant is uncooperative



Reminder

The only acceptable dispositions for a PIB investigation are:

- Sustained
- Not sustained
- Unfounded
- Exonerated

“Withdrawn” is not a disposition utilized by BPD.

Continued Communication with Complainant

Must make all calls through a recorded line



If complainant prefers to communicate through text message, screenshots must be taken and documented



If you're unable to record the call...

Ask to set up another time through a recorded call or in person interview

Write notes and document immediately after what was said (within 48 hours)



Continued Communication

Send periodic updates by mail or e-mail when possible

Within 5
business days:
Written notice of
receipt of
complaint

Within 30 days:
Inform of status
of the
investigation

***Every 30 days is a minimum for contact**

Continued Communication



- Investigators must be responsive to calls and requests by the complainant
- Explain why they can't give out certain information (e.g., personnel records, juvenile arrest records, medical records) instead of ignoring request

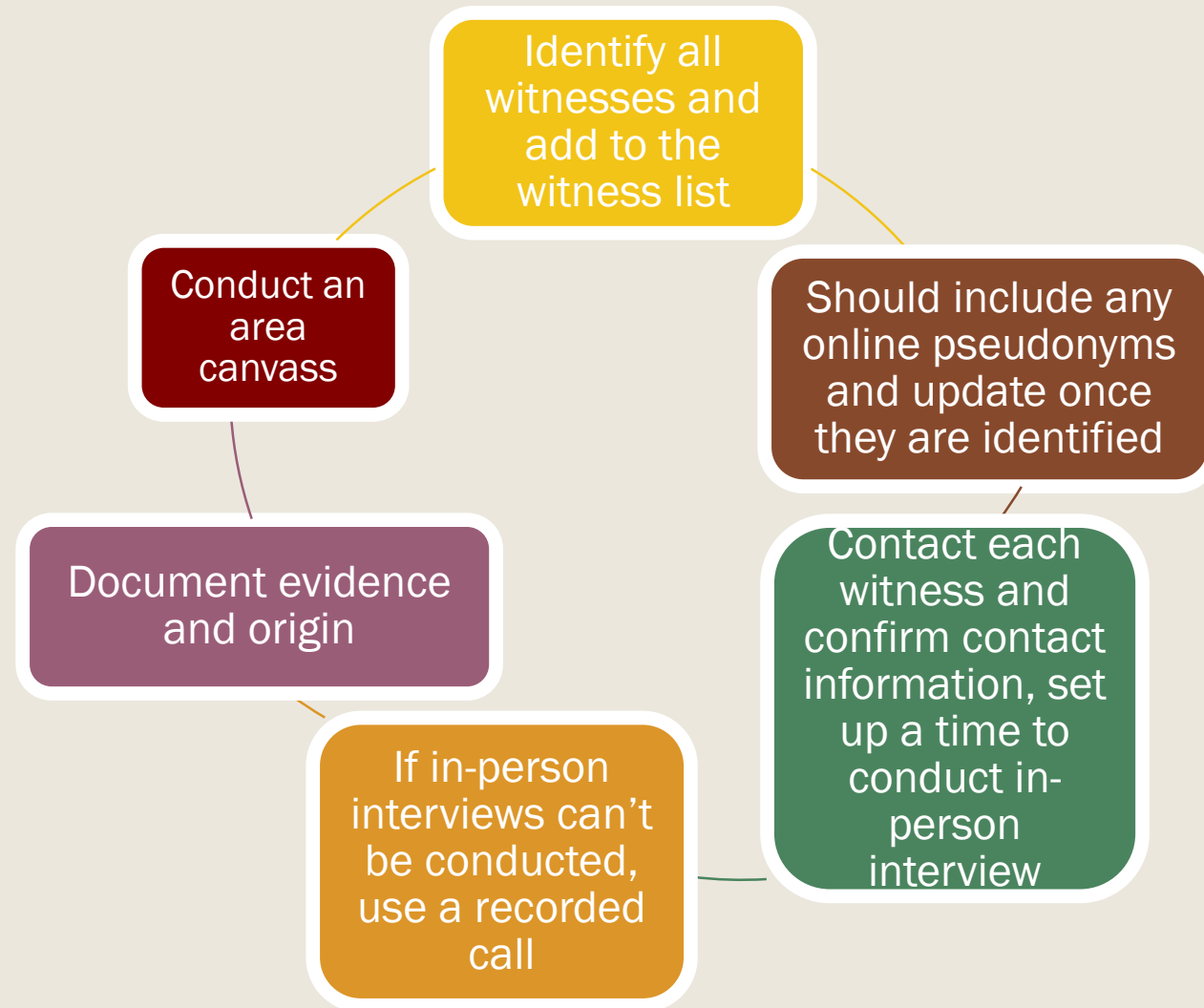
Identifying Accused Officer

- Most times officer will be named by complainant or readily identifiable
- When not, must make all reasonable efforts to identify the officer

Review or
request
information
about officer's
description

Use incident time,
location, type,
complainant
information, etc.

Identifying and Contacting Witnesses



MODULE 2 COMPLETE

