

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

A TRAINING FOR THE COLUMBUS CIVILIAN REVIEW BOARD

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INTRODUCTIONS

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TRAINING OVERVIEW

- ▶ **Effective Practices in the Conducting and Reviewing of Investigations**
 - Characteristics of Good and Bad Investigations
 - Issues and Questions Driving an Investigation
 - Complaint Investigation Review

Good vs. Bad Investigations

Characteristics of a **Bad** Investigation

Has a narrow focus

Investigator makes assumptions

Potential bias

Investigator fails to secure perishable evidence in a timely manner (lets it get stale)

Disorganized or unfocused

Poorly done interviews

Poor analysis for findings

Characteristics of a **Good** Investigation

Open, flexible approach

Systematic

Thorough

Timely

Patient, respectful and thorough interviews

Unbiased

Investigation of the Johnson Complaint

Review of the Johnson Complaint

What should the investigation look like?



What are the issues and questions that the complaint raises?



What investigation needs to be done to address these issues and questions?



Legal Questions and Issues

- ▶ Elements/definitions of the 2 criminal offenses
- ▶ Department rules of use of force
- ▶ Department rules on summoning backup
- ▶ Department rules on reporting & documenting use of force
- ▶ Department rules on use of profanity

Factual Questions & Issues

What happened before contact between officer and complainant?



Characteristics of the incident scene



Interaction in the theater



Actions outside the theater



Investigation



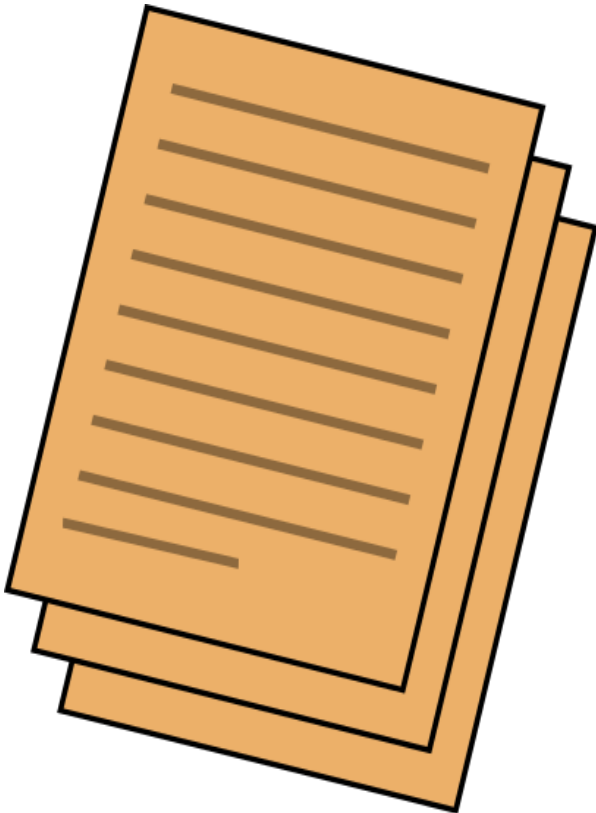
Other



Potential Allegations Raised by the Complainant Involving Officers Rice & Peterson

Investigation Plan

Documents to Obtain



- ▶ Police communication records
- ▶ Written statements
- ▶ Use of force reports or other related documents
- ▶ Incident or other reports prepared by the theater
- ▶ Names and contact info for audience members
- ▶ Ambulance dispatch and incident records
- ▶ Complainant's medical records
- ▶ Citations prepared by officer
- ▶ Prisoner transfer records
- ▶ Booking documents
- ▶ Mug shots or other photographs taken by police or jail staff

Documents to Obtain (continued)

- ▶ Photographs of officer(s) injuries
- ▶ Officer training records
- ▶ Records of officer's previous Taser discharges
- ▶ Dispatch records of police responses to theater
- ▶ Police reports generated from police actions at theater
- ▶ Records regarding arrests for wearing a hat in theater
- ▶ Records of arrests by officers for wearing a hat in theater
- ▶ Records of arrests by officers for assault on an officer and/or resisting arrest



Physical Evidence to Obtain



- ▶ Photographs of complainant's injuries
- ▶ Body-worn camera recordings from officers on-scene
- ▶ Taser download (discharge record & video)
- ▶ CCTV footage from cameras inside or outside theater
- ▶ Photographs of clothing worn by complainant at time of arrest
- ▶ Cell phone video/audio recordings from anyone present
- ▶ Batons / flashlights
- ▶ Photographs of theater

Witnesses to Interview

- ▶ Complainant's 2 companions
- ▶ Theater manager
- ▶ Theater employee who had contact with complainant and his companions
- ▶ Audience members
- ▶ Projectionist
- ▶ Paramedics in ambulance
- ▶ Medical personnel who examined/treated the complainant
- ▶ Jail personnel who took custody of complainant



Other Investigation

Social
media sites

YouTube
postings

Witness Matrix

	Location	Comp & friends yelling/profanity?	Others wearing hats?	Comp punch/kick officers?	Injuries to comp 's head	Other
Friend # 1	Seat to right of comp	Joking but not yelling; no profanity	Saw 5 – 6 W/Ms, 20s, wearing BB caps in middle row as walked to seats	No. Saw comp's open hands near his head.	Struck in head w/ flashlight by male officer.	
Friend # 2	2 seats to right of comp	Laughing, maybe loud. D/N recall profanity	Yes, c/n recall how many, where, other details	Not possible, comp was on ground, couldn't have struck officers.	Male officer "smashed" comp in head 20 – 30 times	
Friend # 3	3 seats to comp's right	"We were pretty loud," lots of "fuck"s, others also talking loudly	Tall B/M, 4 – 5 rows back wearing multi-colored "Bob Marley" type knit hat	Comp was on floor but he c/n see his hands	C/N see comp's head but saw male officer swing arm (w/ something black in it) towards comp – not sure how many times	
Manager	In aisle, 5' – 10' behind officers	Heard then 3 – 4 rows away, not from back; profanity after officers grabbed comp	Gave refund to possibly bald man w/out eyebrows wearing wool cap w/ brim.	C/N see	C/N see floor. Male PO had flashlight in hand, then saw flashlight beam jerk back and forth quickly.	Everyone used profanity
Wit # 1	8 – 10 rows behind	Very loud & annoying, lots of profanity	Yes – noticed 2 – 3 men in rows between her & comp when POs told comp to remove hat.	C/N see	C/N see	Female off. told him take hat off when talking to her, be more respectful
Wit # 2	6 – 8 rows behind	A little loud, talking & laughing; "What the fuck?" 5+ times	He was wearing tweed cap he always wears (recovering from chemotherapy)	C/N see	One officer raised arm up & brought it down fast	Heard officer use profanity
Wit # 3	4 rows behind	Talking & joking w/ one another, probably used profanity	He was wearing knit cap	C/N see	Not sure if saw, focused in phone video	Female officer had an attitude, said something about "respect"
Video	Wit # 3	Profanity after officers grabbed comp	2 men w/ hats visible in audience as comp led from theater	Not visible	Flashlight beam goes up & down	Officers use repeated profanities during struggle

What to Look For When Reviewing A Complaint Investigation



Complainant Interview

Was the complainant allowed to “tell their story” with minimal interruption?

Were they asked open-ended and clarifying questions?

Was all relevant information obtained?

Was complainant asked to sign a medical release?

Was the complainant asked appropriate closing questions?

Investigator Assignment

Was the investigator free of potential bias?

Was the lack of potential bias documented in the file?

Did the assigned investigator have adequate time and resources to conduct the investigation?

Investigation Plan

Were relevant allegations raised and rules adhered to?

Did the plan identify relevant records, evidence, witnesses, and investigative tasks?

Did the plan include a timeline for completion of investigative tasks?

Was plan reviewed and approved by a supervisor?

Were listed records and evidence obtained and properly documented?

Were investigative tasks performed in a timely manner?

Were failures to obtain documents/evidence or conduct interviews explained?

Were gaps in the investigation documented and explained?

Records

Were relevant records requested & obtained?

Are there relevant records that should be obtained?



Interviews

Were interviews recorded?

Civilian Witnesses

Officer Interviews

Report

Was all relevant evidence summarized?

Were all allegations addressed?

Were relevant policies and rules cited?

Did the investigator gather enough sufficient and relevant evidence, including direct, circumstantial and physical evidence to allow for a supportable and reasoned finding?

Did the investigator make credibility assessments in reaching a finding?

Did the evidence support the findings?

Was the preponderance of the evidence standard of proof applied?



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