



## Critical Incident Review

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**Course: Enhanced Force Investigations:** *Applying Science, Evidence-Based Methods & The Cognitive Interview (Certification Course Outline)*

**Course Length:** 24 hours

**Course Content:** Enhanced Force Investigations certification course is designed for supervisors, investigators, and line-level officers. In the criminal investigative function and the analysis of critical incidents, to better assist in the identification and application of police performance issues. This course is designed to help investigators identify their own functionality, biases and potential assumptions within the critical incident. The course offers but is not limited the following topics:

- Understanding your role in the investigative process, (criminal, internal, review/analysis)
- Fostering awareness regarding the significance of conducting an investigative function, where a sworn officer is the involved
- Shifting the focus from the *Who* and *What* to the *Why* and *How*
- Developing Investigative Strategies (Including a Checklist)
- Understanding the Value and Limitations of Different Types of Evidence
- Human and Organizational Performance Factors and Considerations (Incidents)
- Human and Organizational Performance Factors and Considerations (Investigations)
- The Cognitive Interview Technique
- Closing the Loop between Incidents and Organizational Learning
- Development of a Force Training and Analysis Unit
- Practical Exercises in the Cognitive Interview

**This course will clarify and create a foundation to decide and defend:**

- **When to watch video**
- **When to interview**
- **Walk throughs/ if and when**
- **Maintaining evidence-based policing, investigations & analyses**

**Course Objectives are:**

- To develop a clear understanding of the predominant issues faced by officers, departments, and municipalities after a critical incident, especially focused on multi-jurisdiction involvement.
- To increase awareness of the effects related to the initial investigative processes
- Build awareness of the performance dynamics, human factors, and decision-making processes present in every critical incident
- Improve awareness of the over-arching investigative practice from the criminal investigation to the civil action
- Identify the need to develop specialized investigative capacities regarding officer-involved critical incidents
- Improve the investigators ability to identify and capture objective information through an officer's subjective decision-making process with a focus on the human performance and human limitations issues.
- Develop video evidence literacy
- Consideration of interview protocols
- Improve an officer's ability to give or elicit an articulate and realistic statement based on known limitations and perceptual distortions.
- Learn and Apply the cognitive interview process within an active investigation
- Increase confidence in the investigative process and reduce long term liability issues department wide.

**This course was designed by Sgt. Jamie Borden (Ret.), And Paul Taylor, Ph.D., both leaders in the application of Police Performance Dynamics, Human Factors, Training, Procedure and Practice related to Law Enforcement, as well as studies and application in the Investigation of performance outcomes in real-world officer-involved incidents.**

**Investigators will become familiar with theory, concepts and techniques when investigating and analyzing critical incidents.**

**The “Force Investigations; Strategies and Cognitive Interview” Certification Course is designed to assist in the identification and application of Police Performance Dynamics in the investigative analysis surrounding an officer-involved critical incident. Courses will offer but not be limited to the above topics under guidance of current state and federal laws, department policies and procedures and Police best practices:**

**What Does “Certification” mean?** “Certified” means that you are recognized by qualified administrators as possessing a certain skill set or understanding of the concepts taught in theory and application; and that you have met certain standards related to the field you are practicing in.

**What does “Certification” in this course entail?** In this certification course you will be tested throughout the progression of the lecture, both written and practical, to test your understanding of the theories and concepts. The following subjects will require a passing written score and attendees must show an acceptable level of proficiency in the application of the skill set.

#### **CIR FAQ**

**Cognitive Interview Technique:** The Cognitive Interview focuses on two primary components: memory and communication. Only if both of these components are recognized and considered will a successful interview take place. Created by Dr. Ed Geiselman and Dr. Ronald Fisher, the Cognitive Interview technique provides a scientifically validated and field-tested method for maximizing both of these essential components during post critical incident interviews.

**Investigative Strategy Checklist:** The checklist associated with conducting a specialized force investigation, involving a peace officer that is afforded rights specific to law enforcement, has been created in an effort to establish a flow of questioning, not to mute the interview process. This checklist is carefully constructed to be a living document and to be manipulated based on the fundamentals of the investigation you are conducting.

**Objective Reasonableness:** From an investigative perspective, Objective Reasonableness and the Objective Standard are the clear foundation used to establish objectivity or appropriateness related to a critical decision; The caveat is we are tasked with investigating the subjective nature of decision-making under the pressure and stress of extreme consequences. The objective process is considered hind-sight analytics in any force investigation. This is based on the fact that officers are experiencing deep limitations based on focus of attention issues, when compared to or gauged by video, other witnesses or others involved.

**Officer Interviews:** The forensic evidence will tell us what happened, but only the involved officer(s) can tell why it happened the way it did. Officers involved in use of force and other critical incidents occupy a unique space in the criminal justice system. Within the same incident they may be witnesses, victims, and/or suspects all while operating under the color of their authority as law enforcement officers. Understanding how to effectively navigate the challenges this presents to you as an investigator or interviewer will be critical to the success of your investigations.

**Assumptions and Fallacies in Interviews:** Many of the skills and abilities we have honed as investigators over the course of our law enforcement careers can actually work against us when we are attempting to interview officers who have been involved in a critical incident. Things like knowing all the available ‘facts’ of a case prior to conducting the interview, controlling the direction of the interview, nailing down statements, or even just asking questions that

you believe are pertinent to the case can actually alter an officer's memory of the event and create statements that are inconsistent with the officer's actual experience.

**Developing Lessons Learned:** The discovery of "lessons Learned" is the principal component in the development of departmental training. This is the primary purpose for an investigative analysis; However, it is not the only purpose. Departments differ dramatically in cultural matters; Therefore, the purpose of conducting an investigative analysis must be defined and an overarching strategy must be considered based on each department's cultural concerns.

**Creating Use-of-Force Training and Analysis Units:** The development of a specialized unit, designed specifically to engage in officer involved critical incidents is imperative. Most departments, large and small, do not focus on the special elements of officer performance and decision-making when investigating or analyzing a critical use of force, which involves a critical decision. This aspect of the investigative process requires specialized knowledge of performance issues; including limitations, the officer's experience and the officer's training relative to these critical incidents.

1. Practical; Real time action v. reaction and; time, speed, and distance awareness (simulations with documented results for each attendee [end of day 1] no test, exposure only)
2. Identifying human performance issues and limitations within the law enforcement function; Awareness of baseline digital video literacy [day 2]
3. Developing an overview of the issues facing Officers, investigators, departments, municipalities and the community.
4. Understanding limitations in the decision-making process of an officer involved in a critical incident.
5. Identifying performance issues related to time compression.
6. Identifying perceptual distortions and understanding how they can go undiscovered in an investigative analysis.
7. Identifying damaging biases from the investigative perspective; assuming we know what happened and supporting that theory, as opposed to the discovery of the "why" the officer made specific decisions.
8. Facing the reality that most officers are not being indicted or tried based on their actions, but on the misunderstandings and misinterpretations of the officer's actions through statements and evidence after the fact.
9. Building an awareness of how video fits into the investigation, why video fits into the investigation and What role video evidence plays.
10. Exploring the considerations of video and how it can affect an investigation; Understanding both perspectives and using video in the most effective way based on your departments cultural standing.
11. Exploring the sensitivities of memory and how to elicit useable information through the cognitive interview process.
12. Applying the Cognitive Interviewing technique with a full grasp of the connection between developing communication and properly mining the memory for relevant and pertinent information.