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TO: Board Members

FROM: Marcos Soler, DED for Policy, & Denis McCormick, DED for Investigations

RE: Changes to Reporting of Truncated Cases

DATE: May 8, 2013

We have prepared an alternative way of reporting truncated cases. Under the new classification system, complaint withdrawn will not be included in the truncation rate and, also, we will expand the information currently provided on the reasons for truncation.

Definitions and Agency Guidelines

We first discuss basic definitions and a description of the agency guidelines that must be met before a case can be truncated.

Truncated investigations are cases in which investigations are attempted but are not completed because of the complainant and/or victim's unavailability, lack of cooperation, or desire to withdraw the complaint. Before the complaint is truncated, the investigator must have made the minimum number of contact efforts required by the agency.

The rules define the specific categories of truncations as follows:

Complaint Withdrawn: the board closes a case as "complaint withdrawn" when the complainant and/or victim voluntarily decides against pursuing the complaint either verbally or in writing.

Complainant unavailable: the board closes the case as "complainant unavailable" when the agency cannot locate or find the complainant.

Victim unavailable: the board will close the case as "victim unavailable" when the investigation cannot be conducted without a statement from the victim, who cannot be located.

Complainant uncooperative: The board closes the case as “complainant uncooperative” when the CCRB contacted the complainant, who refused to cooperate with the investigation.

Victim uncooperative: The board closes the case as “victim uncooperative” when the investigation cannot be conducted without a statement from the victim, who has not cooperated with contact attempts to schedule an interview.

The decision to truncate an investigation is made only after the investigative staff has followed a set protocol. First, the investigator must take steps to insure that he/she has the correct address and telephone number(s) for the complainant/victim. In general, the investigator must make a mandated number of telephone calls (and send e-mails) to the complainant/victim over a period of two or three weeks at different times of the day and evening. If the initial attempt to reach the complainant/victim is unsuccessful, the investigator should immediately send the CTS formatted “first please call letter.” If, within two weeks, the investigator receives no response, a telephone call must be made and the “final please call letter” must be sent. Only if there is no response in two or more additional weeks can the case be submitted to a panel for closure. If the complainant/victim misses a scheduled appointment, the investigator should call (and e-mail) the individual to reschedule and, if unsuccessful, send a “missed appointment letter.” If the complainant/victim misses a second scheduled appointment, the investigator can generally proceed and truncate the case.

New Reporting

Table 1 is the current reporting format. Table 2 is the proposed new report.

Table 2 shows that complaint withdrawn will have its own category and will no longer be included in the category of truncated investigations. This new indicator will then be further broken down into separate subcategories and they will be systematically documented in our Complaint Tracking System. These subcategories include reasons for withdrawing the complaint. They include the following:

- Complaint withdrawn - upon advice of counsel
- Complaint withdrawn - complainant had no desire to follow through
- Complaint withdrawn - complainant did not want to take time for interview
- Complaint withdrawn - complainant just wanted to report complaint
- Complaint withdrawn - complainant feared retaliation
- Complaint withdrawn - complainant provided no reason

Table 2 also provides additional information for complainant/victim uncooperative and complainant/victim unavailable. These categories will be further broken down into separate subcategories and they will be systematically documented in our Complaint Tracking System.

These subcategories include reasons for the recommended truncated disposition. They include the following:

Complainant/victim uncooperative – after initial contact was made, civilian either did not return calls, respond to correspondence, or failed to appear at scheduled interview

Complainant/victim uncooperative – civilian stated that he/she did not want to take time for interview

Complainant/victim unavailable – unidentified or anonymous civilian

Complainant/victim unavailable – civilian did not return calls or respond to correspondence and contact was never established

Complainant/victim uncooperative – civilian filed complaint with IAB and no sufficient contact information was gathered