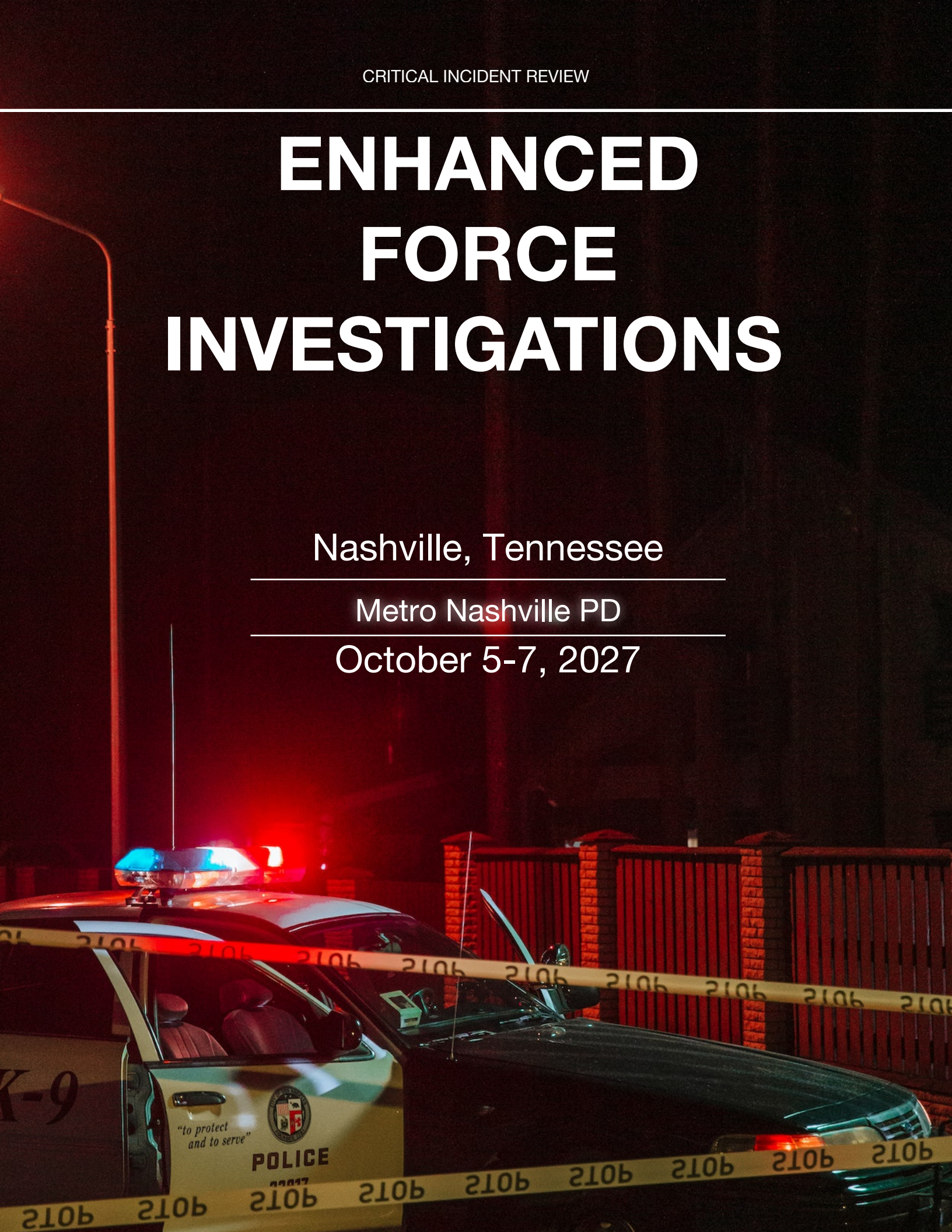
CRITICAL INCIDENT REVIEW

# ENHANCED FORCE INVESTIGATIONS

Nashville, Tennessee

Metro Nashville PD

October 5-7, 2027



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https://criticalincidentreview.com/efi

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## What is the Enhanced Force Investigations Course:

The Enhanced Force Investigations course is a 3-day certification course that teaches the investigation of complex use-of-force incidents before your agency experiences them firsthand.

You'll learn from an investigator who has handled hundreds of force investigations, arbitrations, civil suits, and criminal cases against officers.

## What is a Complex Use of Force Incident:

A complex use of force incident involves various factors that make the force appear unnecessary or unreasonable. These factors can include:

- Officer disarmed of a Taser, then using deadly force
- Shooting in or around vehicles
- Use of force involving individuals in a mental health crisis
- Political or administrative rush to judgment before the investigation
- Poor tactics or unprofessional behavior
- Officer's statements not matching the video or other evidence
- Escalation of the situation or unreasonable force
- Conflicting accounts between officers or civilians
- Incidents involving multiple agencies and massive amounts of evidence
- Explosive media scrutiny shaping public perceptions early on
- Existing community tension or mistrust that complicates deaths in custody or incidents involving juveniles

Attending this training is beneficial for detectives who focus on crimes against people, as use-of-force and officer-involved shootings investigations are often additional duties for them.

With such an incredible responsibility, the vast majority of the detectives responsible for investigating force only have an in-service level of training.

Next, use of force has been studied in experiments and analyzed in the real world. That means we now have documented evidence of the impact of danger, stress, and uncertainty on the officers' use of deadly force.

- We understand how officers commonly react in deadly situations.
- We know how stress affects their memory.

Finally, we know how force investigations go upside down.

## What Most Investigators Have Never Been Taught:

**Have you ever been trained to investigate, document, and explain the effects <u>of stress and timing in a use of force?</u>**

No? Very few investigators have.

Most of us have never been trained in how danger, stress, tension, uncertainty, and rapidly evolving circumstances impact our officers in a deadly force incident.

Similarly, most detectives also haven't been trained to document or explain their observations to decision-makers and prosecutors.

Additionally, most investigators have never been taught:

- How the idea "de-escalation" can cause confusion in your investigation
- How hindsight creeps into every investigation (and what to do about it)
- How to understand and explain the distortion body cameras have on the viewer
- How the biases that everyone has affect your case…and the officer's future
- How false assumptions about an officer's training can lead to disaster
- When you absolutely must get professional assistance in incidents involving video or run the risk of false conclusions
- <u>How to determine decision-making windows prior to the moment force was used</u>
- A simple, repeatable method for analyzing complex use of force incidents

As a result, officer-involved shootings across the country are investigated in the same manner as any other criminal case, and decision-makers get an overly simplified, straightforward report.

This means decisions are made without any regard to the very elements that are crucial to understanding or explaining an officer's decisions, their statements, or their actions.

It's also all prosecutors have when trying to decipher complex incidents that they don't have experience in.

In more complex incidents, detectives may have an understanding of what's normal but lack the ability to articulate it to prosecutors and decision-makers. This

has led to officers being charged for a completely reasonable use of force.

A simple, just-the-facts report, with no documentation or education of perception, timing, performance, or training, is also commonly found in cases where officers were wrongfully convicted.

## How This Course Solves Those Issues:

The Enhanced Force Investigations course specifically focuses on the lessons from the costly mistakes and faulty analyses that can plague your investigation, based on over 15 years of working on use-of-force cases in arbitrations, civil suits, and criminal trials against officers.

## What You'll Learn in This Class:

Oversights in Investigations: Discover how completely reasonable officers are fired, sued, and prosecuted.

Human Performance Under Stress: Learn what we know about police performance under stress and what it means to your investigations. This basic understanding can determine the reasonableness of an officer's actions.

Cognitive Interview: Learn how to elicit the most complete information possible during an officer interview through demonstration and practical exercises.

The Global Investigative Process: Discover the broader scope of force investigations to see how decisions made during the initial investigation have an impact throughout the legal process.

Biases in Investigations: Learn to navigate biases that can taint the entire investigation. This is not what you think it is, and we all have them.

Investigative Failures & Incident Debriefs: Experience firsthand examples of failures in force investigations and the resounding effect they have had on officers, agencies, and civil litigation.

## Who Should Attend This Class:

If you are involved in any way with force investigations, review, analysis, or the adjudication process, you should attend this class.

If you believe there may be a gap in your knowledge surrounding force investigations, this class will close that gap.

If you want to conduct a fair, thorough, and accurate force investigation for your agency, your officers, as well as for yourself, you should register for this class.

## Why You Should Attend This Training:

Most police use-of-force incidents are investigated by experienced detectives who usually investigate crimes against people.

However, use-of-force investigations are not the same as investigating incidents between citizens.

In the Enhanced Force Investigations class, you'll learn to spot complexity, what resources are available to understand these issues, and what you need to know to articulate it.

You'll also discover how what you know and how your skills anchor all subsequent processes:

> **Internal & Administrative Investigations:** The information, data, and statements gained by investigators will influence subsequent administrative investigations within the agency. This can potentially lead to discipline, termination, or exoneration.
>
> **Criminal Prosecution:** Investigative findings will be used by criminal prosecutors.
>
> **Civil Litigation:** Civil rights cases can be heavily impacted based on the initial investigation, review, and analysis.

## Why Should You Listen to Jamie Borden:

Jamie Borden has lived through the controversy that follows a use of force…many times.

In 2011, Henderson PD gained international attention when an officer appeared to kick a resisting suspect, and the DOJ attempted to indict the officer based on the video alone.

As a brand-new training officer, Jamie Borden was responsible for explaining training and use of force to the FBI and DOJ Prosecutors.

It quickly became apparent that the DOJ was building a case, not conducting an investigation. He also discovered the lack of understanding surrounding the reasonable officer standard, officers' perception, video analysis, training, and false assumptions about human behavior.

This case wasn't about the truth or facts.

Since then, Jamie has watched countless agencies unintentionally create liability for themselves, fire, or charge their officers with a crime based on the in-house and passed-down methods of use of force investigations.

You'll learn what you need to know to spot and avoid these very same blind spots in your investigations.

Jamie is a retired Police Sergeant from Henderson, Nevada, the state's second-largest city and part of the Las Vegas Metropolitan area. He is a court-certified expert in Use of Force, Police Practices, and Forensic Video Analysis.

Since 2012, Jamie has instructed thousands of investigators from small to large agencies across the U.S. He's trained the Texas Rangers, LAPD, U.S. Marshals, Metro-Nashville PD, and the California Department of Justice and has reviewed thousands of force incidents.

He has been an expert in over 400 civil or criminal law enforcement use of force cases. He travels the country teaching thousands of officers, attorneys, and civilians the lessons learned from each of those cases.

## The Format of the Class:

The class is in a lecture and discussion format. Each student is encouraged to ask questions and share their experiences for the benefit of the class.

## Dates:

October 5-7, 2027. 0800-1700 Daily.

## Location of the Class:

Metro Nashville PD, 1281 Murfreesboro Pike, Nashville, TN 37217

## Nearby Airport:

Nashville International Airport (BNA)

## Host Hotel:

C.I.R. does not have a host hotel; however, we recommend the following locations:

Sheraton Music City Nashville Airport | 615-885-2200
777 McGavock Pike, Nashville, TN 37214
4 miles from training venue (9 minute drive). WEBSITE HERE

Hyatt House Nashville Airport | 615-871-9500
14 Century Blvd, Nashville, TN 37214
4 miles from training venue (8 minute drive). WEBSITE HERE

## Registration:

You can register several ways.

1. **Mail-In:** Complete and mail the attached registration form (instructions included). Once we have it, you'll get a confirmation email.
2. **Pay Online or via Invoice**: Attendees can register on the C.I.R. website and pay with a credit card or select to pay via invoice HERE.

## Fee:

$997 Per Person

## Questions:

If you have any problems during the registration process, email us at contact@criticalincidentreview.com

## Outline:

Attached is the outline for submission and understanding of the course content.

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

**Course Length:** 24 hours

**Course Content: The** 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, it is designed 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 to 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 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 overarching 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.), a leader 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 Enhanced Force Investigations 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.

**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 hindsight 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 department's cultural standing.

11. Exploring the sensitivities of memory and how to elicit usable 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.

**The course offers but is not limited to the following topics:**

- Leadership, command, middle, and line-level management will develop an understanding of the misunderstood limitations of video evidence and the inherent human factors associated with the investigations of officer-involved critical incidents. The course is designed to help leaders identify their own functionality and potentially damaging assumptions within the critical incident.

- Building a foundation of awareness in the overall process, protocol, and defined procedures.

- Understanding your role in the overall process.

- Fostering awareness regarding the significance of video review and analysis, where a sworn officer is involved.

- Understanding the importance of the multiple layers of the review and analysis process to identify the "Why" an officer did what they did.

- Video limitations as video relates to the officer's account of the critical incident; consideration of human factors and limitations.

- Closing the Loop between Incidents and Organizational Learning.

- Understanding the importance of human factors that often get overlooked.

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

- Understanding how human factors and scientific principles collide with video evidence.

- Preventing a "knee-jerk" reaction based on an emotional reaction to video evidence.

- How a surface understanding of technical video evidence can change the viewer's perspective.

- Monitoring the narrative related to the release of video evidence.

- Establishing & maintaining evidence-based policing, objective investigations & accurate review and analyses of complex evidence.

**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.

- Build awareness of the human factors present in every critical incident.

- Improve awareness of the overarching department practice from the criminal investigation to the civil action. Leadership must have a global understanding of these processes to navigate them effectively.

- Identify the need to develop specialized investigative capacities regarding officer-involved critical incidents, especially in the field of video review and forensic video analysis.

- To grasp the importance of an officer's "subjective" decision-making process, and how the data is "objectively" captured through investigative practice.

- Increase confidence in the foundational knowledge of video limitations and human factors to reduce long-term liability issues department-wide, including the municipality or county involved.

# Enhanced Force Investigations

Class Dates: October 5-7, 2027 Location: Nashville, TN

Agency:_____

Street Address:_____

City:_____

State:_____ ZIP:_____

Point of Contact_____ Phone:_____

Email (POC):_____

**Please use the attendee's email below, not the Point of Contact**

| Attendee Last; First: | Email: |
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Critical Incident Review, 3870 E Flamingo Rd. Suite #511, Las Vegas, Nevada 89121 Once your registration is received, you will receive a confirmation.

****Sworn Law Enforcement Only*****