



CONDUCTING LOG NUMBER INVESTIGATIONS



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I. PURPOSE

This directive:

- A. sets forth certain procedures regarding the Log Number investigations conducted by the Bureau of Internal Affairs (BIA) and accountability sergeants.
- B. prohibits accused Department members from reviewing documents and evidence once they are aware that they are the subject of a Log Number investigation.
- C. introduces the Case Management System (CMS) that documents Log Number investigations for Log Numbers generated on or after 11 February 2019. **(Addresses OAG Comment #3)**
- D. introduces investigative procedures, creates the policy for investigative files, outlines the process for the assignment of log number investigations, and clarifies supervisory review of log number investigations. **(Addresses OAG Comment #3)**

II. DEFINITIONS (Addresses IMT Comment #14)

- A. **Accountability Sergeant:** a sergeant assigned to a district or unit whose primary responsibility is receiving, processing, and investigating misconduct complaints made against Department members assigned to his or her district or unit, which are referred for investigation by BIA.
- B. **Acknowledge:** the action taken by a Department member to electronically confirm within CMS by using his or her Department log on username (PC number) and password. The electronic acknowledgment has the full effect as that of the member's written signature. If an electronic acknowledgement is not available, a paper acknowledgement and written signature can be substituted.
- C. **BIA Investigator:** a sworn Department member assigned or detailed to BIA responsible for receiving, processing, and investigating misconduct complaints made against Department members assigned to BIA for investigation. Sergeants, police officers (assigned as detectives), and, in certain limited circumstances, police officers may serve as BIA investigators to conduct Log Number investigations.
- D. **BIA Supervising Lieutenant:** a lieutenant assigned to the BIA who supervises and reviews investigations conducted by accountability sergeants or BIA investigators.
- E. **Case Management System (CMS):** the application for processing Log Number investigations initiated on or after 11 February 2019. The CMS maintains investigation data regarding the number, classification, and status of all Log Number investigations initiated on or after 11 February 2019, from the intake process through the final disposition.
- F. **Civilian Office of Police Accountability (COPA):** an agency within the City of Chicago responsible for administrative investigations of certain complaints against Department members as well as incidents in where no complaint is made. Chapter 2-78 of the Municipal of Code of Chicago establishes COPA.

- G. **Confidential:** a designation (not classification type) given to Log Numbers of a sensitive or highly confidential nature (e.g. allegations of sexual misconduct, drug-related crimes, association with known felons, residency violations, medical roll violations, misallocation of Department resources). Such investigations may require investigative techniques such as surveillance or wire taps and may involve outside local, state, or federal agencies.
- H. **Conflict of Interest:** When a Department member assigned to investigate, review, or participate in making any disciplinary decisions or recommendations with respect to a Log Number Investigation:
- a) is a reporting party;
 - b) is an accused or witness;
 - c) authorized, engaged in conduct that led to, or otherwise allegedly participated in the incident giving rise to the complaint;
 - d) would experience a positive or negative impact to his or her financial interests upon resolution of the matter under investigation;
 - e) has a household or immediate family member (e.g. spouse, domestic partner, parent, sibling, child) who would experience a positive or negative impact to his or her financial interests upon resolution of the matter under investigation;
 - f) has a professional, external business, financial, or close personal relationship with a reporting party, a witness, or the accused;
 - g) has a household or immediate family member (e.g. spouse, domestic partner, parent, sibling, child) with a professional, external business, financial, or close personal relationship with a reporting party, a witness, or the accused;
 - h) directly reports to a reporting party, a witness, or the accused in his or her chain of command; or
 - i) has any other conflict of interest identified by the Department member.
- I. **Complaint:** one or more allegations reported to the Department, COPA, or the Office of the Inspector General (OIG).
- J. **Department:** is an abbreviated reference to the law enforcement agency and organization known as the Chicago Police Department. **(Addresses IMT Comment #16)**
- K. **Final Disciplinary Decision:** the final decision of the Superintendent or his or her designee regarding whether to issue or recommend discipline after review and consideration of the investigative findings and recommendations, including after any additional investigation conducted as a result of such review. For COPA investigations, the final disciplinary decision occurs after the conclusion of the process described in Chicago Municipal Code Section 2-78-130(a).
- L. **Final Disposition:** the status of a Log Number investigation after the final disciplinary decision and any grievance process, arbitration, Police Board proceeding, or appeal relating to the final disciplinary decision.

- M. **Log Number:** a unique tracking number assigned to any incident brought to the attention of the Department or COPA by a reporting party involving a Department member that may be investigated and that will be linked with all phases of the investigation and disciplinary process through the final disposition. A Log Number is classified by type to identify the incident notification or investigation's administrative process. The Log Number classification type may change based on the progress of the administrative notification and investigation of the incident; however, the Log Number itself will always remain the same, including during the grievance process, arbitration, any Police Board proceeding, or appeals therefrom thereby permitting reporting parties/subjects (or their representatives) the opportunity to track their complaints. The Department will ensure that information related to any grievance process, arbitration, Police Board proceeding, or appeals therefrom (e.g., grievance numbers and docket numbers) are entered into CMS. The Log Number classification types are:
1. INFORMATION/COMPLAINT—the classification given to a Log Number when it is initiated to document an allegation of misconduct.
 2. COMPLAINT REGISTER (CR)---the classification given to a Log Number by a BIA investigator or accountability sergeant after he or she completes the preliminary investigation and obtains a sworn affidavit or affidavit override, or determines that a sworn affidavit is not required to conduct a full investigation.
 3. NOTIFICATION---the classification given to a Log Number that is initiated for the administrative tracking purposes because the incident requires an immediate notification to COPA, but there is no allegation of misconduct. This notification to COPA is required for the following incidents, even when there is no allegation of misconduct:
 - a) when a sworn member discharges a firearm (on or off duty) and another person is injured or killed by one or more bullets fired by that member, or when a sworn Department member has suffered a self-inflicted gunshot wound.
 - b) when a sworn member discharges a firearm (on or off duty) at a person and the person is not injured or killed.
 - c) unintentional firearm discharge incidents and firearm discharge incidents solely for destruction or deterrence of an animal.
 - d) Taser discharges.
 - e) Oleoresin Capsicum (OC) and other chemical agent discharges.
 - f) the use of chemical/ smoke dispensing or distraction devices.
 - g) an incident involving a motor vehicle accident with fatalities including any death resulting from a motor vehicle accident involving a Department member engaging in law enforcement activity off duty.
 - h) any other miscellaneous and extraordinary incidents including death in custody, suicide in custody, or an attempted suicide in custody.
- N. **Log Number Investigation:** The process during which evidence is collected, assessed, and analyzed about an incident subsequent to the assignment of a Log Number
- O. **Misconduct:** Any violation of law or any Department rule, regulation, directive, or order.
- P. **Objective Verifiable Evidence:** information based on facts that can be proven to be true by means of searchsuch as analysis, measurement, and observation. Examples of objective verifiable evidence include, but are not limited to, Department calendars and schedules, swiping reports, body-worn camera video, in-car camera video systems, Police Computer Aided Dispatch (PCAD) messages, and Global Positioning System (GPS) data.
- Q. **Preliminary Investigation:** the initial investigatory steps conducted by the BIA Intake and Analytical Section and continued by the assigned BIA investigator or accountability sergeant after a complaint is received. Preliminary investigations will take all reasonable steps to discover any and all objective verifiable evidence relevant to the complaint or administrative notification through the identification, retention, review, and analysis of all available evidence, including, but not limited to, all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.

- R. **Reporting Party/Subject:** the complainant that brings an incident involving a Department member that may be investigated to the attention of the Department or COPA. The reporting party/subject can be a member of the public or a sworn or civilian Department member.
- S. **Sworn Affidavit:** a sworn written statement against a sworn Department member by a non-Department member certifying that the statement is true and correct under penalties provided by law. A copy of a sworn affidavit may be provided to a reporting party upon request. **(Addresses IMT Comment #8)**
- T. **Sworn Affidavit Override:** an action taken by the Chief Administrator, Civilian Office of Police Accountability (COPA), or the Chief, BIA, when the standards defined by the appropriate collective bargaining agreement have been met to continue the investigation without the sworn affidavit requirement when objective, verifiable evidence exists and attempts to contact a reporting party are unsuccessful or the reporting party refuses to sign a sworn affidavit. **(Addresses IMT Comment #6)**
- U. **To-From-Subject Report:** A written report used for intra-Departmental correspondence submitted for situations where there is not already a prepared form when a situation requires a written response, for use as an informational report, or when documentation is required. The To-From-Subject Report format is used to maintain consistent, efficient, and professional intra-Department communications.

III. CASE MANAGEMENT SYSTEM

- A. BIA and accountability sergeants will have access to the Case Management System (CMS) as necessary to undertake their respective duties. **(Addresses OAG Comment #4)**
- B. BIA and accountability sergeants use the CMS to document Log Number investigations for Log Numbers generated on or after 11 February 2019. BIA and the accountability sergeants will have access to the CMS as necessary to undertake their respective duties with additional information being provided in the Department directive titled "Complaint and Disciplinary Investigators and Investigations". **(Addresses IMT Comment #1)**
- C. CMS maintains accurate data regarding the number, classification, and status of all Log Number investigations, from the intake process through the final disciplinary decision, if any, and through any grievance process, arbitration, Police Board proceeding, or appeal relating to the final disciplinary decision.
- D. Case Management System (CMS):
 - 1. maintains accurate and reliable data regarding the number, nature, and status of all complaints and administrative notifications, from the intake process to final disposition;
 - 2. identifies the status of administrative Log Number investigations; **(Addresses IMT Comment #2)**
 - 3. identifies the caseload for assigned investigators including BIA investigators and accountability sergeants; and **(Addresses IMT Comment #2)**
 - 4. maintains all documents and investigative materials, including audio and video in digital format, and ensure accessibility in the Case Management System. The investigative file must reflect a thorough, timely and fair investigation that has been fully investigated to its conclusion. BIA investigators and accountability sergeants will ensure that each investigative file is thorough and complete before closing that investigative file. Each file will include, but need not be limited to, the following: **(Addresses IMT Comment #2 and Addresses OAG Comment #5)**
 - a. for non-anonymous complaints, as much information as the reporting party/subject is willing to share, such as: name, phone number, email address (if the reporting party/subject chooses email as a method of contact), address, and any voluntarily self-reported demographic information (e.g. race, gender, age).

NOTE: A reporting party/subject may choose to not provide any or all information. A reporting party/subject's choice to withhold any information, including his or her name (i.e. an anonymous complainant), will not be the sole basis for closing any Log Number without a full and thorough investigation.

- b. complete witness information, including:
 - (1) the names, phone numbers, addresses, and any other relevant contact information of all non-Department member witnesses to the alleged misconduct, or other non-Department member individuals who have or may have information relevant to the investigation.
 - (2) if witnesses were present but the BIA investigator or accountability sergeant was not able to collect the contact information set forth in Item II-C-4-b-1 of this directive, an explanation of the circumstances that prevented the collection of that information. All identifying information or contact information that is available regarding these witnesses must be included.
 - (3) all identifying and contact information that is available regarding any witnesses who refuse to provide a statement or otherwise refuse to cooperate in the investigation, as well as for witnesses who refuse to identify themselves.
 - (4) the names and employee numbers of all CPD members, sworn or civilian, who are identified as witnesses or who otherwise possess relevant information to the investigation such that they are logically considered witnesses.
 - (5) reasonably taking all steps to identify the involved and witness Department member(s) if the complainant was unable to do so. **(Addresses OAG Comment #6)**
 - (6) if there are no known witnesses, or no known witnesses except the reporting party/subject, an explanation that none exist or none could be identified and a description of the efforts undertaken to identify witnesses.
- c. complete information concerning each accused member, if the accused member(s) has been identified (e.g. employee number, star number, date of appointment).
- d. a signed sworn affidavit. If there is no affidavit and it would otherwise be required, the file must include an explanation regarding whether an affidavit override was sought and why it was or was not sought. In cases where an override is sought, the file must include documentation of the override request and the authorization or denial.
- e. complete interview, original statements and any subsequent statements, including: **(Addresses OAG Comment #7)**
 - (1) documentation of each interview conducted, including but not limited to identifying information as to the person interviewed; time, date, and location of the interview; names and contact of the BIA investigator(s) or accountability sergeant(s) conducting the interview and any representative present for the interview; and whether the interview was audio recorded.
 - (2) a summary or synopsis of each interview made by the BIA investigator or accountability sergeant.

- (3) all original statements made by accused Department members in the course of the investigation and any amendments, additions, or clarifications made to such original statements, together with the date and times of any such amendments, additions or clarifications.
 - (4) all original statements made by witness Department members in the course of the investigation and any amendments, additions, or clarifications made to such original statements, together with the date and times of any such amendments, additions or clarifications.
 - (5) audio or video recordings of all interviews and statements, if such recordings were made. If such recordings were not made but are required by Department or BIA policy, an explanation of why they were not made must be included.
- f. if an accused or witness Department member deployed, or is alleged to have deployed, a weapon during the incident, the file will include documentation of whether the member's certification and training for the weapon were current at the time and the date of that certification and training.
- g. documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the alleged misconduct. In addition, relevant documents that facilitate review of the evidence and background information that was reviewed for purposes of reaching investigative findings need to be gathered and documented. When the evidence is such that it can be attached in CMS (e.g. documents, video), the evidence shall be attached and different categories of evidence shall be attached as separate attachments. Where evidence cannot be attached in CMS (e.g. physical evidence such as a vehicle, handcuffs, clothing), appropriate documentation sufficient to identify the nature, location and disposition of that evidence will be attached (e.g. tow report identifying the vehicle, pound location and status; e-Track inventory reports indicating a "Hold for Investigation" status).
(Addresses IMT Comment #3)

NOTE:

In situations in which there are no known witnesses, the investigative file will document this fact. For situations where witnesses were present but circumstances prevented the investigator from collecting information from those witnesses, the investigative file will state the reasons why the collection was prevented. Lastly, the investigative file will also include all identifying information for anyone who refuses to provide a statement. **(Addresses IMT Comment #3)**

- h. a thorough narrative description and evaluation of the alleged misconduct based on the evidence gathered.
- (1) Where material inconsistencies exist among the statements of the complainant, witness(es) or the accused member(s), the narrative in the investigative report will explicitly identify those inconsistencies and describe the relevant evidence, if any.
 - (2) when such inconsistencies exist, the narrative will also include credibility findings. An articulation of the basis of these credibility findings, that is, the reason that the BIA investigator or accountability sergeant investigator found a statement or an assertion within a statement to be credible or not to be credible, must be set forth. **(Addresses OAG Comment #20a)**
 - (3) If the BIA investigator or accountability sergeant determines that a Department member's statement is not credible or clearly false, the narrative must also:

- (a) include a determination of whether the false statement is material to the investigation, and, if so, an explanation of how the false statement is material to the investigation;
- (b) contain a determination of whether the false statement was willful, as opposed to a lesser degree of culpability such as mistake or negligence, and, if so, an articulation of the basis for this determination; and

NOTE: All original statements, and any subsequent statements including amended or modified statements, must be considered by the investigator before determining a false statement was made willfully, and documentation of this consideration and evaluation shall be included in the investigative file. **(Addresses OAG Comment #20b)**

- (c) include whether the Department member's false statement resulted in a Rule 14 violation.
- i. the explicit identification of each allegation and include a determination and evaluation of the alleged misconduct, based on its review of the evidence gathered, including a determination of whether the accused Department member's actions to be within Department policy, procedure, regulations, orders, or other standards of conduct required of Department members. A finding of sustained, exonerated, unfounded or not-sustained based on the applicable standard of proof will be made consistent with the determination of each allegation. Each finding of sustained will cite the relevant Department rule(s) that has been violated. The findings defined are as follows: **(Addresses IMT Comment #5 and Addresses OAG Comment #20c)**
 - (1) a "sustained" finding determined the allegation is supported by a preponderance of the evidence; **(Addresses OAG Comment #8)**
 - (2) a "not sustained" finding determined that there is insufficient evidence to prove the allegation by a preponderance of the evidence; **(Addresses OAG Comment #8)**
 - (3) an "unfounded" finding determined, by clear and convincing evidence, that an allegation is false or not factual; or **(Addresses OAG Comment #8)**
 - (4) an "exonerated" finding determined, by clear and convincing evidence, that the conduct described in the allegation occurred but is lawful and proper. **(Addresses OAG Comment #8)**
 - j. In sustained cases, for purposes of making disciplinary recommendations, BIA investigators and accountability sergeants must obtain and consider the accused member's complimentary and disciplinary history, and this must be documented in the file. Any aggravating or mitigating circumstances pertinent to the sustained violation, or reflected in the history, must be identified and articulated as a basis of the disciplinary recommendation.
5. CMS can conduct searches of all Log Numbers and generate reports sufficient to identify and analyze trends relating to:
- a. allegations of discriminatory policing based on an individual's membership or perceived membership in an identifiable group, based upon, but not limited to: race, physical or mental disability, gender, gender identity, sexual orientation, religion, and age;

- b. allegations of unlawful stop, search, citation, or arrest practices;
- c. allegations of excessive force;
- d. allegations of misconduct arising during an interaction with individuals in crisis;
- e. allegations of retaliation against non-Department members;
- f. allegations of misconduct alleged to have occurred in retaliation for engaging in First Amendment-protected activities, such as lawful demonstrations, protected speech, observing or filming police activity, or criticizing an officer or the officer's conduct;
- g. allegations of officer-involved gender-based violence, domestic violence, or sexual misconduct;
- h. allegations of Department member substance or alcohol abuse; and
- i. the self-reported demographic information of each reporting party/subject, including race, physical or mental disability, gender, gender identity, sexual orientation, religion, and age.

IV. THE PROHIBITION OF ACCUSED DEPARTMENT MEMBERS REVIEWING DOCUMENTS AND EVIDENCE

Once an accused Department member has been notified or otherwise becomes aware that he or she is accused of misconduct and the subject of a Log Number investigation, he or she will not review the following documents and evidence related to the incident until notified by BIA that he or she is permitted to do so, or as may be required to testify as a witness in criminal or civil proceedings:

- A. any investigative files;
- B. any reports (except for reports about the incident authored by the accused Department member); or
- C. any other evidence, from any source, including body worn camera and in-car video system footage (except as permitted for purposes of completing incident reports or other documentation).

V. PRELIMINARY INVESTIGATIONS

- A. Preliminary investigations are the initial investigatory steps taken by the BIA Intake and Analytical Section and continued by the assigned BIA investigator or accountability sergeant after a Log Number is assigned from the Civilian Office of Police Accountability (COPA). Preliminary investigations will take all reasonable steps to discover any objective verifiable evidence relevant to the Log Number through the identification, retention, review, and analysis of all available evidence, including, but not limited to: all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, and witness interviews. Assigned BIA personnel and accountability sergeants will take all reasonable steps to preserve relevant evidence identified during the preliminary investigation.
- B. The BIA Intake and Analytical Section will receive, assess, and process Log Numbers forwarded from COPA. The BIA Intake and Analytical Section will:
 - 1. within thirty days of receipt of a Log Number:
 - a. assess the allegation(s) to determine whether the reporting party has alleged potential misconduct; and
 - b. if potential misconduct is alleged, initiate the preliminary investigation of the Log Number.
 - c. the BIA investigator and the accountability sergeant will initiate their process of the preliminary investigation. **(Addresses IMT Comment #7)**

2. determine whether there are any other open Log Number investigations involving the same accused member, and monitor or combine the investigation(s), as appropriate. **(Addresses IMT Comment #9)**
3. contact the reporting party/subject for additional information, when needed.
4. notify the reporting party/subject in writing (delivered by either U.S. mail or email) of the status of the investigation at the conclusion of the preliminary investigation.

NOTE: BIA personnel will document all communication with a reporting party/subject within the CMS note system.

- C. Complaints based on verbal abuse will be subject to a preliminary investigation to determine whether it is appropriate to continue to the investigation. Anonymously submitted complaints will be preliminarily investigated to determine whether it is appropriate to continue the investigation, in accordance with the applicable collective bargaining agreements in effect at the time the complaint is made. **(Addresses IMT Comment #6)**

NOTE: Preliminary investigations of anonymous complaints will take all reasonable steps to discover any objective verifiable evidence as articulated in Item V-A of this directive. **(Addresses IMT Comment #6)**

- D. Sworn affidavits are not required to conduct a preliminary investigation.
- E. When assigned a log number investigation the BIA investigator or accountability sergeant will initiate their investigation into the complaint within thirty days. **(Addresses IMT Comment #7)**

VI. SWORN AFFIDAVIT REQUIREMENT

- A. Consistent with the Department directive titled "The Complaint and Disciplinary System," the collective bargaining agreements for sworn members require that BIA investigators and accountability sergeants obtain a signed sworn affidavit in specific circumstances. The requirement for a sworn affidavit varies depending on the accused member's collective bargaining agreement. A signed sworn affidavit:
 1. is not required for log number investigations when the accused is a sworn Department member below the rank of sergeant.
 2. is not required for log number investigations when the accused is a sworn Department member the rank of commander or above.
 3. may be required for log number investigations when the accused is a sworn Department member the rank of sergeant, lieutenant, or captain consistent with the procedures for sworn affidavits and the exceptions to the sworn affidavit requirement.
- B. Sworn affidavits are not required when the reporting party/subject is a Department member.
- C. Sworn affidavits are not required when the only accused is a civilian Department member.

VII. INITIAL RESPONSIBILITIES FOR BIA INVESTIGATORS AND ACCOUNTABILITY SERGEANTS UPON THE ASSIGNMENT OF LOG NUMBER INVESTIGATION

- A. BIA will assign Log Number investigations to BIA investigators and accountability sergeants consistent with the Department directive titled "Complaint and Disciplinary Investigators and Investigations."
- B. Assigned BIA investigators and accountability sergeants will ensure that they do not have a conflict of interest consistent with the Department directive titled "Conflict of Interest."
- C. Once assigned, BIA investigators and accountability sergeants will attempt to establish communication with the reporting party/subject. All communication with reporting parties, witnesses, and accused Department members will be professional and respectful. **(Addresses IMT Comment #7)**

- D. Consistent with BIA directives and when required by collective bargaining agreements, assigned BIA investigators and accountability sergeants will make reasonable attempts to secure a signed sworn affidavit ([CPD-44.136](#)), including in-person visits, phone calls, U.S. Mail, and email. Such attempts will reasonably accommodate the reporting party/subject's disability status, language proficiency, and incarceration status.
1. In all instances, the assigned BIA investigator or accountability sergeant will document the date and time for each attempt to contact the reporting party/subject and the means of communication used (e.g., telephone, correspondence, personal visit, email) in the investigation.
 2. The assigned BIA investigator or accountability sergeant will electronically attach all sworn affidavits and evidence of attempts to contact the reporting party/subject to the investigative file in CMS and forward the original sworn affidavit to BIA.
 3. A copy of a signed sworn affidavit may be provided to the reporting party upon request.
- E. If the assigned BIA Investigator or accountability sergeant is unable to obtain a sworn affidavit despite having made reasonable attempts to do so, BIA will assess whether the evidence collected in the preliminary investigation is sufficient to continue the investigation.
- F. If the preliminary investigation reveals objective verifiable evidence suggesting it is necessary and appropriate for the investigation to continue, the assigned BIA investigator or accountability sergeant will seek written approval for an override affidavit consistent with BIA unit procedures.

VIII. LOG NUMBER INVESTIGATIONS

- A. If the assigned BIA investigator or accountability sergeant obtains a signed sworn affidavit, sworn affidavit override, or a sworn affidavit is not required, he or she will convert the Log Number's classification type from "Information Complaint" to "Complaint Register" in CMS, if applicable.
- B. Assigned BIA investigators and accountability sergeants will conduct thorough and complete Log Number investigations including:
1. identifying and investigating all applicable violations when a complaint contains multiple separate potential policy violations;
 2. taking all reasonable steps to promptly identify, collect, and consider all relevant circumstantial, direct, and physical evidence, including officer-recorded audio or video taken with body-worn cameras or other recording devices;
 3. taking all reasonable steps to locate and interview all witnesses as soon as feasible, including non-CPD member witnesses, and attempt to interview any complainant or witness in-person at a time and place that is convenient and accessible for the complainant or witness, when feasible;
 4. audio recording non-CPD member interviews subject to the interviewee's consent, or promptly prepare summaries of interviews when the interview is not recorded;
- NOTE:** Interviews will be conducted consistent with the Department directive titled "Limited English Proficiency."
5. taking all reasonable steps to identify the accused and witness Department member(s) if the reporting party/subject was unable to do so;
 6. determining if there may have been additional misconduct beyond that initially alleged and ensuring that such identified misconduct is fully and fairly documented, classified, and investigated;
 7. identifying and taking into account known relevant evidence gathered in a parallel criminal investigation or criminal or civil litigation, if available, consistent with applicable BIA directives. **(Addresses OAG Comment #10 and 20d)**

- a. Absent specific circumstances that would jeopardize the criminal investigation, the Log Number investigation will continue. **(Addresses OAG Comment #10)**
 - b. If the Log Number investigation is postponed so as to not interfere with the criminal investigation, the rationale for doing so will be documented in writing and uploaded to CMS and the assigned BIA investigator or accountability sergeant will immediately notify the appropriate supervisor within his or her chain of command. **(Addresses OAG Comment #10)**
8. requesting formal statements from Department members.
- a. Prior to a formal statement, the accused Department member will receive notice that they are under administrative investigation ([CPD-44.105](#)) or have been identified as a witness to an incident that is the subject of a Log Number investigation. Such notice will comport with due process and the law, and will describe the nature of the complaint made against the accused member, and the accused member's rights, including the right to engage counsel, but will not contain any information that is part of a confidential investigation.
 - (1) The assigned BIA investigator or accountability sergeant will instruct the accused Department member to electronically acknowledge via a CMS-generated Department email to confirm that the accused Department member has:
 - (a) received a copy of the specific allegation(s);
 - (b) been advised of his or her statutory rights and must make a decision regarding representation.
 - (c) If an electronic acknowledgment is not available, a paper acknowledgment and written signature can be substituted.

NOTE: Department members under investigation will not receive such notice for confidential investigations, but will receive notice prior to being formally interviewed by COPA, BIA investigators, or accountability sergeants.
(Addresses OAG Comment 11)
 - b. Administrative interviews of accused or witness Department members conducted by BIA investigators or accountability sergeants will include but is not limited to: **(Addresses OAG Comment 20e)**
 - (1) compliance with the Department directive titled "Department Member Bill of Rights" and the applicable provisions of any collective bargaining agreement for the Department member.
 - (2) asking the identity of other persons with whom he or she has communicated regarding the incident in question, and the date, time, place, and content of such communication, subject to any evidentiary privilege recognized under Illinois or federal law;
 - (3) asking whether he or she has reviewed any audio or video footage of the incident in question, and, if so, the date, time, and place the video or audio was reviewed;
 - (4) asking whether he or she is aware of any media or social media coverage of the incident in question, and, if so, the content and source of such known media coverage;

- (5) noting on the record of the interview anytime the Department member seeks or obtains information from his or her legal or union representative, as well as the length of any "off the record" discussion between the Department member and his or her legal or union representative;
 - (6) ensure that the Department member's counsel or representative does nothing to disrupt or interfere with the interview;
 - (7) documenting, and making part of the investigative file, all requests made on behalf of a Department member to reschedule an interview; and
 - (8) an audio recording of all sworn Department member in-person interviews.
- c. Accountability sergeants may determine that only a written response to the allegations from the accused is necessary and an interview is not required for the investigation. This determination will be based on the seriousness of the allegations, the extent of the existing evidence, and the strength of the evidence supporting a disciplinary finding. **(Addresses OAG Comment 12)**
- d. BIA investigators and accountability sergeants may request written statements from accused Department members, who have been notified of the allegations against them, or Department members identified as witnesses.
- (1) Accused or witness Department members may be directed to respond via To-From-Subject Report.

NOTE: Department members may consult with union representation or legal counsel before submitting a To-From-Subject Report in response to a request from a BIA investigator or accountability sergeant.

- (2) The request for the written statement will directly and narrowly relate to the alleged misconduct or the performance of the accused member's official duties.
- (3) The member will have seventy-two hours to prepare and electronically attach the report after the allegations are viewed in CMS or received in paper form.
- (4) If identified as a witness, the Department member will receive an email to acknowledge receipt of the request for a To-From-Subject Report.
- (5) The request for a formal statement will include:
 - (a) asking the identity of other persons with whom he or she has communicated regarding the incident in question, and the date, time, place, and content of such communication, subject to any evidentiary privilege recognized under Illinois or federal law;
 - (b) asking whether he or she has reviewed any audio or video footage of the incident in question, and, if so, the date, time, and place the video or audio was reviewed; and
 - (c) asking whether he or she is aware of any media or social media coverage of the incident in question and, if so, the content and source of such known media coverage.
- (6) Department members will receive a receipt of a formal statement ([CPD-44.261](#)) after providing the administrative interview or submitting a To-From-Subject Report in response to the assigned BIA investigator or accountability sergeant.

- (7) BIA investigators and accountability sergeants will ensure that Department members receive a copy of any submitted To-From-Subject Report and a digital recording of any administrative interview within seventy-two hours of the interview.
9. promptly notifying a BIA supervising lieutenant if they identify allegations of misconduct that are within COPA's jurisdiction.
 10. reporting any evidence of criminal misconduct to the BIA supervising lieutenant consistent with BIA directives. **(Addresses IMT Comment #10 and Addresses OAG Comments #13 and #20d)**
 11. terminating the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.
- C. Investigations conducted by accountability sergeants are to be completed within 90 days of the date initiated. If an investigation cannot be completed within that time frame, the accountability sergeant will: **(Section addresses IMT Comment #12)**
1. request an extension of time via the CMS;
 2. within 5 days of the deadline, provide written notice of the reasons for the inability to complete the investigation within the designated time frame to:
 - a. the reporting party/subject or the reporting party/subject's representative;
 - b. the accused CPD member(s) or his or her counsel (unless such notification would compromise the integrity of the investigation); and
 - c. the district commander or unit commanding officer requesting an extension of time via Department email.
 3. update the written notice required by Item VIII-C-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file
- D. Investigations conducted by BIA investigators are to be completed within 180 days of the date the investigation was initiated. If an investigation cannot be completed within that time frame, the BIA investigator will: **(Section addresses IMT Comment #12)**
1. request an extension via the CMS;

NOTE: The Chief of BIA, or designee, must approve or deny extension requests for BIA investigators within the CMS.
 2. within 5 days of the deadline, provide written notice of the reasons for the inability to complete the investigation within the designated time frame to:
 - a. the reporting party/subject or the reporting party/subject's representative; and
 - b. the accused CPD member(s) or his or her counsel (unless such notification would compromise the integrity of the investigation).
 3. update the written notice required by Item VIII-D-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file.
- E. If the assigned BIA investigator or accountability sergeant does not arrive at an investigative finding within 180 days, they will periodically, but at least once every 60 days, attempt to contact the reporting party/subject or the reporting party/subject's representative to provide status updates until the investigative findings and recommendations are issued. Such contact and attempts to contact will be documented in the Log Number investigative file. **(Addresses IMT Comment #12)**
- F. Assigned BIA investigators and accountability sergeants will **NOT**:

1. ask leading questions that suggest legal justification for the Department member's conduct during the interview of witnesses, complainants, or the involved Department members. **(Addresses IMT Comment #11 and Addresses OAG Comment #14)**
 2. make statements that could discourage any witness or complainant from providing a full account of the specific allegations;
 3. consider findings in a related criminal investigation to solely determine whether an accused Department member engaged in misconduct;
 4. disregard a witness's statement solely because the witness has some connection to either the reporting party/subject or the accused Department member or because the witness or reporting party/subject has a criminal history;
 5. close or unduly extend a Log Number investigation solely because the reporting party/subject seeks to withdraw the complaint or is unavailable, unwilling, or unable to cooperate with the Log Number investigation. If the reporting party/subject is unable or unwilling to provide information beyond the initial complaint, the Log Number investigation will continue based on available evidence in accordance with applicable Department directives, law, and collective bargaining agreements; or **(Addresses OAG Comment #15)**
 6. close or unduly extend a Log Number investigation solely because of findings in a related criminal proceeding.
- G. If any allegation under investigation by an accountability sergeant is likely to result in a recommendation for separation, the assigned accountability sergeant will request that a BIA supervising lieutenant reassign the Log Number investigation.

IX. INVESTIGATIVE FINDINGS AND RECOMMENDATIONS

- A. BIA investigators and accountability sergeants will:
1. make credibility determinations of statements made by the reporting party/subject, accused Department members, and witnesses based on independent, unbiased, and credible evidence, taking into account any known record or final determination of deception or untruthfulness in legal proceedings, administrative investigations, or other investigations.
 2. critically evaluate all statements, like any other evidence, giving no automatic preference to, or discounting, any statement solely due to its source, including statements made by Department members.
 3. consider all original statements and any subsequent statements, including amended or modified statements, for purposes of determining whether a Department member willfully made a false statement about a fact material to the incident under investigation as also indicated in the Case Management System section under III-D-4-h(3)(b) NOTE of this directive. **(Addresses IMT Comment #4)**
 4. consider sustained findings and select not sustained findings of the accused Department member consistent with any collective bargaining agreement for the limited purpose of patterns of past practice identification. The identified select not sustained findings are:
 - a. excessive force;
 - b. criminal conduct; and
 - c. verbal abuse as defined in Section 2-78-100 in the Municipal Code of the City of Chicago.

NOTE:

The select not sustained findings may be utilized for a period of seven years after the date of the incident or the date upon which the violation is discovered, whichever is longer. **(Addresses OAG Comment #9)**

- B. After reviewing all available evidence collected during the Log Number investigation, BIA investigators and accountability sergeants will make an investigative finding for each allegation consistent with the Department directive titled "The Complaint and Disciplinary System."
- C. BIA investigators and accountability sergeants will prepare all required documentation consistent with the Department directive titled "Documenting Log Number Investigations and Post-Investigation Procedures" and all applicable BIA directives.
- D. Before sustaining an allegation, the BIA investigator or accountability sergeant will consider the following criteria in making this determination:
1. The accused Department member must have received forewarning or have foreknowledge of possible or probable consequences of his or her conduct. (This is satisfied by a published rule, regulation, directive, order or law made known to Department members.) **(Addresses OAG Comment #16)**
 2. A full and fair investigation established that the accused Department member did in fact violate a Department rule, regulation, directive, order or law. **(Addresses OAG Comment #16)**
 3. The accused Department member was afforded an opportunity to respond to the allegation(s).
 4. The investigation uncovered a preponderance of evidence to prove the allegation(s).
 5. The rules, regulations, directives, orders, and penalties have been applied without discrimination or bias.
- E. After sustaining an allegation the, the BIA investigator or accountability sergeant will consider the accused Department member's behavior based on factors including, but not limited to, available training records, complimentary history and disciplinary history, including previous sustained complaints as permitted by law and any applicable collective bargaining agreements. **(Addresses IMT Comment #9)**
- F. Exoneration for the most serious misconduct allegations will not preclude the recommendation of discipline, training, or other corrective measures for less serious misconduct stemming from the same set of allegations.
- G. If sustained, the investigative file will include all relevant information and establish the basis for recommending one of the following actions:
1. Sustained—violation noted, no disciplinary action. This recommendation:
 - a. may not be used in any investigation in which the conduct resulted in injury to any person.
 - b. will only be used for investigations that warrant a sustained finding but resulted from unintentional violations of policy or law.
 2. Reprimand.
 3. Suspension for a specific number of days, not to exceed **three hundred sixty-five days**.
- NOTE:** Members exempt from coverage under the [Fair Labor Standards Act \(FLSA\)](#) overtime provisions may only be suspended in increments of the designated workweek (seven calendar days). For example, suspensions can only be for seven, fourteen, twenty-one, or twenty-eight calendar days. A disciplinary suspension may never be less than seven days for exempt members.
4. Separation.

- H. The failure to complete a Log Number investigation within the timeframes outlined in the Department directive titled "Complaint and Disciplinary Investigators and Investigations" will not invalidate, impair, or otherwise negatively impact Department's ability to issue discipline for sustained findings.
- I. Assigned BIA investigators and accountability sergeants will submit completed Log Number investigations in CMS for BIA supervising lieutenant review consistent with all applicable BIA directives.

X. SUPERVISORY REVIEW OF LOG NUMBER INVESTIGATIONS

A. BIA supervising lieutenants will:

- 1. regularly communicate with the BIA investigators and accountability sergeants under their supervision to evaluate the progress of administrative investigations and offer guidance;

NOTE: Requests for time extensions when investigative findings and recommendations are not reached by accountability sergeants within 90 days of the initiation of an investigation will be the responsibility of the BIA lieutenant to approve in the CMS. **(Addresses IMT Comment #12)**

- 2. review administrative investigative files and the submitted investigative findings and recommendations for accuracy and completeness; **(Addresses IMT Comment #12 and Addresses OAG Comment #20f)**
- 3. order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings;
- 4. ensure documentation in writing, via CMS, whenever a higher ranking officer orders additional investigation; and**(Addresses IMT Comment #12)**
- 5. promptly notify COPA for allegations of misconduct that are within COPA's jurisdiction.
- 6. promptly report to the Chief, Bureau of Internal Affairs, any evidence of criminal misconduct that requires referral to the appropriate prosecuting agency. **(Addresses IMT Comment #10 and Addresses OAG Comment #13)**

B. The Chief, BIA will:

- 1. when the preliminary investigation reveals objective verifiable evidence suggesting it is necessary, appropriate, and in the interest of justice for the investigation to continue:
 - a. approve affidavit overrides sought by COPA.
 - b. request written approval for affidavit override from the Chief Administrator, COPA, for Log Number investigations conducted by BIA investigators and accountability sergeants.
- 2. ensure that investigative files are complete, meet the requirements of law and Department policy, and that findings are supported by the appropriate standard of proof. **(Addresses IMT Comment #13 and Addresses OAG Comment #20g)**
- 3. order additional investigation when there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings and document the request. **(Addresses IMT Comment #13)**
- 4. orders for additional investigation, the request and the resulting investigation, will be documented in writing via CMS. **(Addresses IMT Comment #13)**

5. at any time during the intake or investigation of a complaint there is evidence indicating criminal conduct of a Department member, referral of the investigation must be made to the appropriate prosecuting agency. **(Addresses IMT Comment #10 and Addresses OAG Comment #13)**
6. ensure that the recommended level of discipline for sustained findings is consistently applied:
 - a. in a fair, thorough, and timely fashion, based on the nature of the misconduct.
 - b. across all districts and units and without regard for the race, or any other protected class, of the reporting party/subject or the race, or any other protected class, of the accused Department member.
7. ensure that mitigating and aggravating factors are identified, consistently applied, and documented.

Authenticated by KC

20-XXX JJR/GJD

David O. Brown
Superintendent of Police

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