



INVESTIGATION TIMELINES AND BENCHMARKS



ISSUE DATE:	24 October 2022	EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	08 - Professionalism		
CALEA:			

I. PURPOSE

This directive:

- A. defines timelines and benchmarks for investigations assigned to the Bureau of Internal Affairs (BIA) investigators and accountability sergeants;
- B. outlines responsibilities of BIA supervising lieutenants to ensure compliance as to timelines and benchmarks; and
- C. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in Department directive titled "[Complaint and Disciplinary Definitions.](#)"

II. POLICY

- A. BIA supervising lieutenants will ensure a timely completion of investigation by members under their supervision. **(Addresses the IMT Feedback Comment #1 from the 08 Sep 22 response letter)**
- B. Timeliness is a fundamental component of fairness to the complainant and the affected accused member.
- C. BIA investigators will arrive at an investigative finding and recommendation within **180 days** of the initiation of the Log Number investigation. Any request for an extension of time after the **180 days** must be approved in writing by the Chief of BIA or their designee.
- D. Accountability sergeants will arrive at an investigative finding and recommendation within **90 days** of the initiation of the Log Number investigation. Any request for an extension of time after the 90 days must be approved in writing by the respective BIA supervising lieutenant.
- E. When a BIA investigator does not arrive at an investigative finding and recommendation within **180 days** of the initiation of the Log Number investigation, the BIA investigator will provide a written notice of the reason(s) for the inability to complete the investigation within the timeframe provided. This written notice will be provided within **5 days** of the **180 day** deadline, to the complainant (or complainant's representative), the accused CPD member(s) or counsel (unless such notification would compromise the integrity of the investigation), and the accused member's district or unit commander. The written notice will be updated every **90 days** until the administrative investigation is completed.
- F. When an accountability sergeant does not arrive at an investigative finding and recommendation within **90 days** of the initiation of the Log Number investigation, the accountability sergeant will provide a written notice of the reason(s) for the inability to complete the investigation within the timeframe. The written notice will be provided within **5 days** of the **90 day** deadline to the complainant (or complainant's representative), the accused CPD member(s) or counsel (unless such notification would compromise the integrity of the investigation), and the accused member's district or unit commander. The written notice will be updated every **90 days** until the administrative investigation is completed.

- G. When the BIA investigator or accountability sergeant does not arrive at an investigative finding and recommendation within **180 days** of the initiation of the Log Number investigation , the investigator will attempt to contact the complainant or the complainant's representative at least once every **60 days** to provide status updates until the investigative findings and recommendations are issued. Such contact will be documented in the administrative investigative file.
- H. The failure to complete an investigation within the timeframes and benchmarks set forth in this directive will not invalidate, impair, or otherwise negatively impact the Department's ability to issue discipline for sustained findings.

III. TIMELINES AND BENCHMARKS FOR BIA INVESTIGATORS (CD ¶479)

A. Unless the reporting party wishes to remain anonymous, BIA investigators will attempt to contact reporting parties within **7 days** from the date an investigation is assigned. BIA Investigators will:

1. on the first day of case acknowledgement in CMS, attempt contact of reporting parties by phone or email, and by sending a written notice via certified U.S. mail;

NOTE: *BIA investigators must acknowledge cases in CMS within 7 days of the case being assigned. (Addresses the OAG Feedback Comment #1.b. from the 13 July 22 response letter)*

2. ensure the written notice includes the log number, identifies the assigned investigator, and furnishes the investigator's contact information to include unit phone number, extension and Department email; and
3. send the written notice in all circumstances where the reporting party has been identified with an accompanying address.

B. BIA investigators will identify, request, and gather all available Objective Verifiable Evidence (OVE) and obtain sworn affidavit(s) (if required) within **30 days** from the date an investigation is assigned. BIA investigators will:

1. upon discovering any Objective Verifiable Evidence (OVE):
 - a. request the OVE as soon as possible but no later than 7 days from date of discovery;
 - b. request that all OVE be preserved and sent to the investigator as soon as possible. If the OVE cannot be available within 7 days, the investigator will document the projected date to obtain the OVE. The investigator will re-contact the requesting agency if the OVE is still not available and document that re-contact notification in the CMS; and

NOTE: There cannot be a guarantee that OVE will be received within 7 days from the date requested due to outside agency policies and procedures (examples: other City agencies that proceed through their required legal channels, private residence videos, businesses who may go through corporate channels, or outside city or state law enforcement entities).

- c. upload all the OVE to the CMS as soon as possible but no later than 7 days from the date the evidence was obtained. **(The NOTE section was removed to address the OAG Feedback Comment #2. from the 13 July 22 response letter)**
2. In the event BIA investigators are unable to locate OVE, BIA investigators will notify the BIA supervising lieutenant as soon as possible, but within **30 days** of the assignment of the investigation to discuss methods used to recover OVE (e.g. Department applications and search parameters utilized).

- C. In limited circumstances where a sworn affidavit is required, as outlined in the accused member's collective bargaining agreements, BIA investigators will schedule an interview with the reporting party and attempt to obtain a sworn affidavit (should one be required) within **30 days** from the date an investigation is assigned. BIA investigators will:

NOTE: For Fraternal Order of Police (FOP) Chicago Lodge No. 7 Department members, the requirement of a signed sworn affidavit is not required for a Log Number investigation. This is consistent with the "SAFE-T" Act Statute 20 ILCS 2610-14 and the accused member's collective bargaining agreement. For sworn Department PBPA of Illinois Unit 156 Sergeant, Lieutenant and Captain members, the requirement of securing a signed affidavit may be necessary for the continuation of a Log Number investigations consistent with the accused member's collective bargaining agreement. An affidavit continues to not be needed for civilians and exempt members. **(Addresses the OAG Feedback Comment #3 from the 13 July 22 response letter)**

1. upload a signed, sworn affidavit to the Case Management System (CMS) as soon as possible.
 2. assess all OVE, and ascertain if the OVE supports an affidavit override request in the event a signed, sworn affidavit cannot be obtained.
 3. notify the supervising BIA lieutenant as soon as possible in the event a signed, sworn affidavit cannot be obtained and the OVE does not support an affidavit override request.
- D. In the limited circumstances where a sworn affidavit is required, as outlined in the accused member's collective bargaining agreements, and a sworn affidavit is not obtained within **60 days** from the date an investigation is assigned, and a sworn affidavit override request is not warranted, BIA investigators will submit non-criminal investigations for closure.
1. BIA investigators assigned to the General Investigations Section (GIS) and Special Investigations Section (SIS) will submit such investigations for closure to the BIA commander.
 2. BIA investigators assigned to the Confidential Investigations Section (CIS) will submit such investigations for closure to the BIA commander (or their designee).
- E. BIA investigators will schedule an interview with the reporting party within **30 days**.
- F. BIA investigators will complete interviews of all known reporting parties, witnesses, and accused Chicago Police Department (CPD) members as soon as feasible but within **90 days** from the date an investigation is assigned. BIA Investigators will:
1. contact BIA Administrative Section personnel to schedule interviews and document the scheduled interview within the Case Management System (CMS); and
 2. request an extension, via the CMS, if they are unable to complete the requisite interviews.
- G. BIA investigators will arrive at investigative findings and recommendations and submit their investigations for **preliminary review** to the BIA supervising lieutenant within **120 days** from the date an investigation is assigned. In the event BIA investigators are unable to submit their investigations for **preliminary review** within **120 days** from the date an investigation is assigned, BIA investigators will:
1. submit an extension request via the CMS specifying the reasons for the delay;
 2. notify their BIA supervising lieutenant immediately after submitting the extension request; and
 3. participate in a Case Review Session with their BIA supervising lieutenant to discuss the investigation, the steps needed to complete the investigation, and a projected closing date for the investigation within 7 days of notifying their supervising lieutenant that they are unable to submit their investigation for review.

- H. BIA investigators will arrive at their investigative findings and recommendations, and submit their investigations for **final review** and approval to the BIA supervising lieutenant within **180 days** from the date an investigation is assigned.
1. In the event BIA investigators are unable to submit their investigations for **final review** and approval within **180 days** from the date an investigation is assigned, BIA investigators will:
 - a. submit an extension request via the Case Management System (CMS) specifying the reasons for the delay every 30 days until the investigation is closed;
 - b. notify their BIA supervising lieutenant immediately after submitting the extension request;
 - (1) The supervising lieutenant, as designated by the Chief of BIA, will review extension requests in the CMS (submitted by BIA investigators of the General Investigations Section and the Special Investigations Section) and make a determination as to approving the extension request.
 - (2) The commander, as designated by the Chief of BIA, will review extension requests in the CMS submitted by BIA investigators of Confidential Investigations Section (CIS) and make a determination as to approving the extension request.
 - c. participate in a Case Review Session with their BIA supervising lieutenant to discuss the investigation, the steps needed to complete the investigation, and a projected closing date for the investigation;
 - d. explain steps taken since the last review session, whether or not obtainable goals were met, and provide justification as to why the investigation remains active;
 - e. produce a copy of written notice sent within **5 days** of the end of the designated timeframe (**180 days**), to the complainant or complainant's representative, the accused member(s) or counsel, and the District or Unit commander stating the reason for the inability to complete the investigation;
 - f. document and explain attempts to contact the complainant or his representative to provide status updates;
 2. The BIA investigator will submit a To-From-Subject Report addressed to the Chief of BIA for approval every 90 days until the investigation is closed. This To-From-Subject Report will contain the below information: (Addresses the OAG Feedback Comment #4 from the 13 July 22 response letter)
 - (1) the current status of the investigation (timeline);
 - (2) justification why the investigation remains open; and
 - (3) the date the complainant was contacted regarding the status of the investigation.

IV. TIMELINES AND BENCHMARKS FOR ACCOUNTABILITY SERGEANTS (CD ¶479)

- A. Unless the reporting party wishes to remain anonymous, accountability sergeants will attempt to contact reporting parties within 7 days from the date an investigation is assigned. Accountability sergeants will:
1. on the first day of case acknowledgement in CMS, attempt contact of reporting parties by phone or email, and by sending a written notice via certified U.S. mail: (Addresses the OAG Feedback Comment #1.a. from the 13 July 22 response letter)

NOTE: Accountability sergeants must acknowledge cases in CMS within 7 days of the case being assigned. (Addresses the OAG Feedback Comment #1.b. from the 13 July 22 response letter)

2. ensure the written notice includes the log number, identifies the assigned investigator, and furnishes the investigator's contact information to include the unit phone number, extension, and Department email; and
3. send the written notice in all circumstances where the reporting party has been identified with a valid address.

B. Accountability sergeants will identify, request, and gather all Objective Verifiable Evidence (OVE) and obtain a sworn affidavit, if required within **21 days** from the date an investigation is assigned. Accountability sergeants will:

1. upon discovering and obtaining any Objective Verifiable Evidence (OVE):
 - a. request the OVE as soon as possible but no later than 7 days from date of discovery;
 - b. request that all OVE be preserved and sent to the investigator as soon as possible. If the OVE cannot be available within 7 days, the investigator will document the projected date to obtain the OVE. The investigator will re-contact the requesting agency if the OVE is still not available and document that re-contact notification in the CMS; and

NOTE: There cannot be a guarantee that OVE will be received within 7 days from the date requested due to outside agency policies and procedures (examples: other City agencies that proceed through their required legal channels, private residence videos, businesses who may go through corporate channels, or outside city or state law enforcement entities).

- c. upload all the OVE to the CMS as soon as possible but no later than 7 days from the date the evidence was obtained. **(The NOTE section was removed to address the OAG Feedback Comment #2. from the 13 July 22 response letter)**

2. In the event an accountability sergeant is unable to locate OVE, accountability sergeants will notify the supervising BIA lieutenant as soon as possible, but within 21 days of the assignment of the investigation to discuss methods used to recover OVE (e.g. Department applications and search parameters utilized).

C. In limited circumstances where a sworn affidavit is required, as outlined in the accused member's collective bargaining agreement, accountability sergeants will schedule an interview with the reporting party and attempt to obtain a sworn affidavit (should one be required) within **21 days** from the date an investigation is assigned. Accountability sergeants will:

NOTE: For Fraternal Order of Police (FOP) Chicago Lodge No. 7 Department members, the requirement of a signed sworn affidavit is not required for a Log Number investigation. This is consistent with the "SAFE-T" Act Statute 20 ILCS 2610-14 and the accused member's collective bargaining agreement. For sworn Department PBPA of Illinois Unit 156 Sergeant, Lieutenant and Captain members, the requirement of securing a signed affidavit may be necessary for the continuation of a Log Number investigations consistent with the accused member's collective bargaining agreement. An affidavit continues to not be needed for civilians and exempt members. (Addresses the OAG Feedback Comment #3 from the 13 July 22 response letter)

1. upload a signed, sworn affidavit to the CMS as soon as possible;
2. assess all OVE and ascertain if the OVE supports an affidavit override request; and
3. notify the supervising BIA lieutenant as soon as possible in the event an accountability sergeant is unable to obtain a sworn affidavit or OVE does not support an affidavit override request.

- D. In the limited circumstances where a sworn affidavit is required as outlined in by the accused member's collective bargaining agreement, and a sworn affidavit is not obtained within **30 days** from the date an investigation is assigned, and a sworn affidavit override request is not warranted, accountability sergeants will submit non-criminal investigations for closure. Accountability sergeants will submit such investigations:
1. for review to their BIA supervising lieutenant; and
 2. for closure to the Deputy Chief of BIA.
- E. Accountability sergeants will schedule an interview with the reporting party in **21 days** from the date the investigation is assigned.
- F. Accountability sergeants will complete interviews of all known reporting parties, witnesses, and accused Chicago Police Department (CPD) members as soon as feasible but within **45 days** from the date an investigation is assigned. Accountability sergeants will:
1. schedule interviews and document the scheduled interviews within the Case Management System (CMS); and
 2. request an extension, via the CMS, if they are unable to complete the requisite interviews.
- G. Accountability sergeants will arrive at investigative findings and recommendations and submit their investigations for **preliminary review** to the BIA supervising lieutenant within **60 days** from the date an investigation is assigned. In the event accountability sergeants do not submit their investigations for **preliminary review** within **60 days** from the date an investigation is assigned, they will submit an extension request via the CMS specifying the reasons for the delay. Accountability sergeants will:
1. notify their BIA supervising lieutenant immediately after submitting the extension request; and
 2. participate in a Case Review Session with their BIA supervising lieutenant to discuss the investigation, the steps needed to complete the investigation, and a projected closing date for the investigation within **7 days** of notifying their supervising lieutenant that they are unable to submit their investigation for review.
- H. Accountability sergeants will arrive at their investigative findings and recommendations, and submit their investigations for **final review** to the BIA supervising lieutenant within **90 days** from the date an investigation is assigned.
1. In the event an accountability sergeant is unable to submit their investigations for **final review** within **90 days**, they will:
 - a. submit an extension request via the Case Management System (CMS) specifying the reasons for the delay every 30 days until the investigation is closed;
 - b. notify their BIA supervising lieutenant immediately after submitting the extension request which will be reviewed by the Deputy Chief of BIA, as designated by the Chief of BIA, in the CMS, to make a determination as to approving the extension request;
 - c. participate in a Case Review Session with their BIA supervising lieutenant to discuss the investigation, the steps needed to complete the investigation, and a projected closing date for the investigation;
 - d. explain steps taken since the last review session, whether or not obtainable goals were met, and provide justification as to why the investigation remains active;
 - e. produce a copy of written notice sent within **5 days** of the end of the designated timeframe (**90 days**), to the complainant or complainant's representative, the accused member(s) or counsel, and the district or unit commander stating the reason for the inability to complete the investigation;

- f. document and explain attempts to contact the complainant or complainant's representative to provide status updates; and
2. The accountability sergeant will submit a To-From-Subject Report addressed to the Chief of BIA for approval every 90 days until the investigation is closed. This To-From-Subject Report will contain the below information: (Addresses the OAG Feedback Comment #4 from the 13 July 22 response letter)
 - (1) the current status of the investigation (timeline);
 - (2) justification why the investigation remains open; and
 - (3) the date the complainant was contacted regarding the status of the investigation.

V. BIA SUPERVISING LIEUTENANT RESPONSIBILITIES

- A. BIA supervising lieutenants will ensure compliance of this directive by BIA investigators and accountability sergeants. BIA supervising lieutenants will:
 1. assess and monitor compliance by reviewing the status of investigations, including paused investigations, within the Case Management System (CMS);
 2. guide and assist BIA investigators and accountability sergeants as needed, based upon the complexity of the investigation, the investigative abilities of the assigned investigators, and any other relevant factors;
 3. inform BIA investigators and accountability sergeants of any pertinent information which may impact their investigations;
 4. remain cognizant of investigations with a likelihood of a sustained finding;
 5. prioritize investigations involving supervisory CPD members;
 6. continually assess the progress of investigations from the date of assignment to completion; including ensuring that the investigator provides the proper written notices according to Item III of this directive;
 7. assume all other responsibilities, as designated by the Chief of BIA, pertaining to investigative timelines and benchmarks.
- B. BIA supervising lieutenants will perform Case Review Sessions as needed. BIA supervising lieutenants will:
 1. perform Case Review Sessions for BIA investigations that are open **120 days** or more;
 2. perform Case Review Sessions for accountability sergeant investigations that are open **60 days** or more;
 3. document each Case Review Session within the CMS;
 4. identify those BIA investigators and accountability sergeants who exhibit investigative deficiencies and arrange training for those members in an effort to correct those deficiencies; and
 5. utilize the CPD Counseling Session Report ([CPD-11.666](#)) to formally counsel BIA investigators and accountability sergeants. **(Addresses the OAG Feedback Comment #5 from the 13 July 22 response letter)**

- C. If BIA investigators or accountability sergeants make more than one request for an extension of time on an investigation, BIA supervising lieutenants will consider the previous extension request, the investigator's activity, and any mitigating circumstances (such as the investigator's case load and the availability of all persons involved in the complaint investigation), and determine if the extension request is reasonable. The BIA supervising lieutenant will consider the reason for the additional extension request to determine if the investigator's request is due to a valid delay or improper procedures. At no time will the BIA supervising lieutenant close an investigation due to a lengthy investigatory process. **(Addresses the OAG Feedback Comment #5 from the 13 July 22 response letter)**

NOTE: Repeated documented counseling can result in formal discipline and the removal of a BIA investigator or accountability sergeant from their positions in accordance with the member's collective bargaining protections. **(NOTE moved and addresses the OAG Feedback Comment #5 from the 13 July 22 response letter)**

VI. INTAKE AND ANALYTICAL SECTION RESPONSIBILITIES

The supervising sergeant of the Intake and Analytical Section will submit a monthly report to the Chief of BIA identifying:

- A. A BIA investigators number of cases assigned, their total number of open cases, and the total number of those cases that have been opened for more than **180 days** from the date of assignment.
- B. An accountability sergeants number of cases assigned, their total number of open cases, and the total number of those cases that have been opened for more than **90 days** from the date of assignment.

VII. CONFLICT RESOLUTION

If this directive conflicts with a provision in any other Department directive relative to the disciplinary process, members will seek guidance from the Chief of BIA.

Authenticated by MWK

David O. Brown
Superintendent of Police

21-XXX DC/CM/GJD