



INITIAL INVESTIGATORY RESPONSIBILITIES IN LOG NUMBER INVESTIGATIONS



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I. PURPOSE

- A. This directive delineates the time-sensitive initial responsibilities of the Bureau of Internal Affairs (BIA) investigators and accountability sergeants when assigned a Log Number investigation.
- B. A BIA Investigator or Accountability Sergeant Investigator will:
 - 1. monitor the Case Management System and their Department email for new Log Number assignments.
 - 2. review each Log Number for possible conflicts of interest.
 - 3. continue the preliminary investigation begun by the BIA Intake and Analytical Section, including specific attempts to contact the reporting party. **(CD ¶ 459, 460, 461, 463)**
- C. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in **General Order G08-01-01 "Complaint and Disciplinary Definitions."**

II. POLICY

The Department is dedicated to ensuring that all complaints of misconduct are thoroughly, fairly, timely, and efficiently investigated. The Department strives to ensure that all members who commit misconduct are held accountable pursuant to a fair, timely, and consistent disciplinary system that provides due process. The Department will ensure that investigators understand that a signed sworn affidavit **is not** required to conduct a preliminary investigation into a complaint of misconduct and might not be required to conduct the full, complete investigation. When a sworn affidavit is required to conduct the full investigation but cannot be obtained, investigators will seek a sworn affidavit override if there is sufficient objective verifiable evidence to suggest that it is necessary and appropriate for the investigation to continue. **(CD ¶ 463(a), 463(b))**. Members will refer to the Department directive **"Sworn Affidavit Requirements"** for specific requirements and procedures.

III. 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. **(CD ¶ 460) (CD ¶ 478)**
- 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 the Log Number: **(CD ¶ 459)**

- 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;
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; **(CD ¶ 464c)**
 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 communications with a reporting party/subject within the designated section of the CMS system.
5. assign Log Numbers for full investigation consistent with the Department directive "[Complaint Initiation and Log Number Investigation Assignment.](#)"
- C. Complaints based on verbal abuse will be subject to a preliminary investigation to determine whether it is appropriate to continue 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. **(CD ¶ 461)**
 - D. Sworn affidavits are not required to conduct a preliminary investigation.

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

- A. It is the responsibility of each investigator to monitor the Case Management System (CMS) case console for new Log Number assignments. An investigator's responsibility to complete a Log Number investigation within a certain time frame (i.e., 180 days for BIA Investigators, 90 days for Accountability Sergeants) begins when the BIA Intake and Analytical Section or Case Management Officer assigns the Log Number to that investigator via the CMS. Assignment of a Log Number triggers the time-sensitive initial responsibilities consistent with this directive. Investigators must actively monitor their work queues for new assignments.
 - B. Investigators will be assigned Log Number investigations via the CMS case console. All investigators will continuously monitor their CMS case console throughout their tour of duty.
 - C. CMS automatically sends an email notification to investigators when they are assigned a new Log Number investigation. Investigators will check their Department email accounts at least one time per tour of duty.
- NOTE:** Department members will check their Department email at least once per tour of duty in accordance with the directive titled "[Use Of The Internet.](#)" Investigators will check Department email and CMS case console more frequently if they have active cases in which they are communicating with the Reporting Party by email.
- D. When an investigator is assigned a new Log Number investigation, the investigator will conduct a conflict of interest review before beginning the investigation. The investigator will complete this review within 24 hours of the assignment to avoid unnecessary delay. If there is a conflict, then the Log Number must be reassigned in accordance with the Department directive titled "[Conflict of Interests.](#)"
 - E. To continue the preliminary investigation begun by the BIA Intake and Analytical Section, the assigned investigator will: an investigators will: **(CD ¶ 459)**
 1. identify and preserve any time-sensitive evidence within 96 hours, utilizing the "BIA Evidence Checklist (CPD-44.265) to facilitate the process;

2. take all reasonable steps to discover, identify, review, and analyze any and all objective verifiable evidence relevant to the complaint including, but not limited to:
 - a. time-sensitive evidence (see Item V-E);
 - b. audio and video evidence;
 - c. physical evidence;
 - d. arrest reports;
 - e. photographic evidence;
 - f. GPS records; and
 - g. computer data. **(CD ¶ 460)**
3. retain and preserve all collected evidence by ensuring that such evidence is appropriately flagged and/or held, and uploaded it to the CMS via the "Attachments" Module. **(CD ¶ 460)**
4. except in the case of time-sensitive evidence that requires immediate action to preserve, BIA investigators will initiate these steps within **30 days** of case assignment.
5. except in the case of time-sensitive evidence, accountability sergeants will take these steps within **21 days** of case assignment.

V. DISCOVERY OF ALLEGATIONS WITHIN COPA'S INVESTIGATIVE JURISDICTION

- A. Investigators who identify one or more allegations of misconduct that are within COPA's administrative jurisdiction, the investigator will notify the appropriate section commanding officer or, in the absence of the commanding officer, an exempt member of BIA with 96 hours. **(CD ¶ 440g)**

NOTE: The investigator retains the duty to make this notification if allegations within COPA's jurisdiction are discovered at any point in the investigation, not solely during the preliminary investigation and initial stages.

- B. The section commanding officer or exempt member of BIA will promptly confer with COPA when notified that a Log Number investigation contains one or more allegations of misconduct that fall within COPA's administrative investigation jurisdiction. COPA will have the right of first refusal to conduct the administrative investigation of the entire complaint. **(CD ¶ 440h)**

VI. CONTACTING THE REPORTING PARTY

- A. Investigators will communicate with reporting parties in a professional and respectful manner during all stages of a Log Number investigation, including the preliminary investigation.
- B. If a sworn affidavit is required, investigators will make all reasonable attempts to secure the sworn affidavit from the Reporting Party, including in-person visits, phone calls, and other methods. Such attempts will reasonably accommodate the Reporting Party's disability status, language proficiency, and incarceration status. Investigators will utilize Department-authorized interpreters when necessary in accordance with "[Limited English Proficiency](#)" and "[People with Disabilities](#)." **(CD ¶ 463)**
- C. As soon as possible, and not more than **7 days** after assignment of the Log Number, the investigator will attempt to contact the Reporting Party by US Postal Service (USPS), telephone, and email (if provided) or other methods, which allows up to 30 days for contact to be made. **(CD ¶ 463)**

- D. To contact the Reporting Party by USPS, the investigator will send a certified letter with the completed "Investigator Unable to Contact Reporting Party/Victim/Witness" form (CPD 44.223). The investigator must complete all boxes (e.g., date, Log Number, Reporting Party's name, investigator's contact information and signature). If the Reporting Party is incarcerated and a sworn affidavit is required, the investigator will include a blank sworn affidavit, instructions regarding the requirement that the affidavit be notarized, and guidance regarding the submission of any additional evidence. **(CD ¶ 463)**
1. The investigator will provide the Reporting Party with at least **10 days** to contact the investigator before concluding that the contact attempt by mail has failed. The 10 days are from the date the certified letter is delivered or a delivery attempt is made as documented on the USPS tracking website.
 2. If the Reporting Party is incarcerated, the investigator will provide the Reporting Party with at least **30 days** to contact the investigator before concluding that the contact attempt by mail has failed. The 30 days are from the date the certified letter is accepted at the detention facility as documented on the USPS tracking website.
- E. To contact the Reporting Party by email, the investigator will send the completed "Investigator Unable to Contact Reporting Party/Victim/Witness" form (CPD 44.223) from the investigator's Department email account. The investigator will provide the Reporting Party with at least **10 days** to contact the investigator before concluding that the contact attempt by email has been unsuccessful.
- F. To contact the Reporting Party by telephone, the investigator will make a **minimum of 2 attempts** at different times of the day. If the Reporting Party has provided more than one telephone number, the investigator will call both numbers at each attempt. If the investigator is sent to voicemail, the investigator will leave a message with the investigator's contact information and a brief explanation of the reason for the call.
- G. If the investigator is not able to make contact by USPS, email, or telephone, the investigator will attempt to make contact in-person if the address is within the City of Chicago or a contiguous jurisdiction. If the investigator does not make contact at the address(s) provided, the investigator will leave their contact information.
- NOTE:** Investigators will request an event number from OEMC over the air for officer safety and to document the in-person visit. If available, the investigator will record the visit with a body-worn camera.
- H. Upon making contact by any means, the investigator will schedule an in-person interview at a time and place that is convenient and accessible to the Reporting Party, consistent with the requirements listed in the Department directive titled, "[Limited English Proficiency](#)" and "[People with Disabilities](#)." If the Reporting Party has limited English proficiency, the investigator will have an interpreter present and will accommodate the Reporting Party's preference. **(CD ¶ 463, ¶ 464b)**
- I. Investigators will specifically document each attempt to contact the Reporting Party and the result either using the "Contact Attempts" function within CMS. Related documents such as USPS tracking status printouts, email communications, etc. will also be uploaded to CMS as attachments to the investigative file.

VII. CONFLICT RESOLUTION

If this unit directive conflicts with a provision in any other Department directive investigators will seek guidance from the Chief, Bureau of Internal Affairs.

Authenticated by KC

JAB/EW 22-XXX

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