



INITIAL INVESTIGATORY RESPONSIBILITIES IN LOG NUMBER INVESTIGATIONS



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I. PURPOSE

- A. This directive:
 - 1. delineates the time-sensitive initial responsibilities of the Bureau of Internal Affairs (BIA) investigators and accountability sergeants when assigned a Log Number investigation.
 - 2. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in Department directive titled "[Complaint and Disciplinary Definitions.](#)"
- B. A BIA investigator or accountability sergeant 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)**

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. Investigators will make reasonable attempts to secure a signed affidavit. 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 (OVE) to suggest that it is necessary and appropriate for the investigation to continue. **(CD ¶463(a) and 463(b))**. Members will refer to the Department directive titled "[Sworn Affidavit Requirements](#)" for specific requirements and procedures governing the limited circumstances where sworn affidavits or sworn affidavit overrides may be required.

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 and 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. Upon receipt of the Log Number conduct a conflict of interest review in accordance with the definition found in the directive titled "**Conflict of Interest**" and if a conflict is found, the preliminary investigation will be reassigned.
2. within **30 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.
3. 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)**
4. contact the reporting party for additional information when needed, unless the reporting party wishes to remain anonymous.
5. notify the reporting party 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 within the designated section of the Case Management System (CMS) system.

6. assign Log Numbers to investigators for further investigations within 30 days of receipt of an investigation from COPA, or as soon as OVE is discovered, consistent with the Department directives titled "[Communication Procedures and Timelines](#)" and "[Complaint Initiation and Log Number Investigation Assignment](#)."
- C. Allegations of misconduct based on verbal abuse will be subject to a preliminary investigation to determine whether it is appropriate to continue the investigation. **(CD ¶461)**
 - D. 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)**
 - E. Sworn affidavits are not required to conduct a preliminary investigation.
 - F. The Intake and Analytical Section will make all attempts to complete a preliminary investigation within 30 days of receiving a complaint from Office of Inspector General (OIG) or COPA and will document any information about any delay in completing the preliminary investigation in CMS.

EXAMPLE: Potential delays in completing preliminary investigations may include: waiting for OVE from an outside agency or unit; inability to contact a non-anonymous reporting party; needing additional information from a referring agency; etc.
(Addresses the OAG Feedback Comment #1 from the 07 Sep 22 response letter)

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 a 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 routinely monitor their CMS case console throughout their tour of duty.

- C. The 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 Department 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 investigation begun by the BIA Intake and Analytical Section, the assigned investigator will: **(CD ¶459)**

1. identify and preserve any time-sensitive evidence, utilizing the "BIA Evidence Checklist ([CPD-44.265](#)) to facilitate the process by close of the next tour of duty;
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 IV-E-1);
 - b. audio and video evidence;
 - c. physical evidence;
 - d. arrest reports;
 - e. photographic evidence;
 - f. GPS records;
 - g. witness interviews, and
 - h. computer data. **(CD ¶460)**
3. retain and preserve all collected evidence by ensuring that such evidence is appropriately flagged or held, and uploaded to the CMS via the 'Attachments' Module, including any requests to preserve time-sensitive evidence. **(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 THE CIVILIAN OFFICE OF POLICE ACCOUNTABILITY (COPA'S) INVESTIGATIVE JURISDICTION

- A. Investigators who identify any allegations of misconduct that are within the Civilian Office of Police Accountability's (COPA's) administrative jurisdiction at any time during an investigation will promptly notify the appropriate section commanding officer, or in the absence of the commanding officer, notify an exempt member of BIA, as soon as possible but within 48 hours. **(CD ¶440g)**

NOTE: *It is the duty of the investigator 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.* **(Addresses the IMT Feedback Comment from the 05 Aug 2022 NOL)**

- B. As soon as possible but within 48 hours of being notified, the section commanding officer or exempt member of BIA will promptly confer with COPA 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. In the limited circumstances when 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 Department directives titled "[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 (unless the reporting party wishes to remain anonymous) 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 in the limited circumstances where 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. The investigator will also 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 directives 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 and ¶464b)**
- I. Investigators will specifically document each attempt to contact the reporting party and the result using the "Contact Attempts" function within the CMS. Related documents such as USPS tracking status printouts, email communications, etc. will also be uploaded to the 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 of BIA.

Authenticated by MWK

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